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Roll 52

DESPATCHES FROM UNITED STATES CONSULS IN SHANGHAI, 1847-1906

Volume 52

July 3 - December 30, 1905

THE NATIONAL ARCHIVES

Washington: 1947

INTRODUCTORY NOTE

The volume microcopied on this roll has the following backstrip title: "52 / Shanghai / July 3, 1905 / December 30, 1905 / Department / of State." It contains despatches, with enclosures, addressed to the Department of State from United States consular officials at Shanghai, China, between July 3 and December 30, 1905. The contents are registered on Roll 1 of the microcopy.

The volume is part of a body of records in the National Archives designated as Record Group No. 59, General Records of the Department of State. It is volume 52 of a series generally referred to as Consular Despatches, Shanghai.

CONSULAR BUREAU
AUG
8
1905
DEPARTMENT of STATE

No. 17.

Consulate-General of the United States,

SHANGHAI, CHINA, July 3rd , 1905.

Mr. James L. Rodgers, Consul General.

To the Department of State.

Rec'd Aug 10/05

Subject:

application for
Leave of absence.
for Mr. Davidson.

(July 12 Tel)

Abstract of Contents.

Applies for Mr. Davidson, leave of absence for 1 or 2 months with permission to return home. Doctor advises a change of climate. Requests a telegraphic reply.

INDEX BUREAU
AUG 12 1905
FILED

No. 17.

Consulate-General of the United States,

SHANGHAI, CHINA, July 3rd , 1905.

Honorable Francis B. Loomis,

Assistant Secretary of State,

Washington, D. C.

Sir:

I have the honor, on behalf of Mr. James W. Davidson, late Vice Consul General in Charge at Shanghai, now confined in the Victoria Nursing Home, Shanghai with typhoid fever but approaching convalscence, to request leave of absence of one or two months with permission to return to America. Mr. Davidson's physician, Dr. S. A. Ransom, strongly advises an entire change of climate for him and thinks he should go to his home in Minnesota to rebuild his strength and health. Under a continuance of present condition, Mr. Davidson will probably be able to leave the hospital by July 20th, and he therefore requests a telegraphic reply in order that he may, if permission is granted, leave here as soon after August 1st as possible.

I have the honor to be,

Sir,

Your obedient servant,

Thos. L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

I have the honor, on behalf of Mr. Jesse W. Dunham, late Vice Consul General in Charge at Shanghai, now detailed in the Virginia Burning Home, Hopkinsville with typhoid fever but approaching convalescence, to request leave of absence of one or two months with permission to return to America. Mr. Dunham's physician, Dr. J. A. Fenton, strongly advises an entire change of climate for him and thinks he should go this June in Minnesota he would his strength and health. Under a continuance of present condition, Mr. Dunham will probably be able to leave the hospital by July 20th, and he therefore requests a telegram reply in order that he may, if permission is granted, leave Peking as soon after August 1st as possible.

I have the honor to be,

Sir,

Your obedient servant,

American Consul General.

I.M.

CONSULAR BUREAU
AUG
8
1905
DEPARTMENT OF STATE

No.

Consulate-General of the United States,

SHANGHAI, CHINA, July 5th , 1905.

CONSULAR BUREAU
NOTED AND PUBLISHED

Mr. James L. Rodgers, Consul General.

To the Department of State.

Subject:

Report of Death.

Abstract of Contents.

Reports the death of Mary Anne Burnett.

INDEX BUREAU
SEP 11 1905
FILED

No. 2

Consulate-General of the United States,

SHANGHAI, CHINA, July 5th , 1905 .

Honorable Francis B. Loomis,

Assistant Secretary of State,

Washington, D. C.

Sir:

I have the honor to transmit herewith Form #192 in duplicate showing the death of Mary Anne Burnett, an American citizen.

I am, Sir,

Your obedient servant,

John L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

Enclosure: Report of Death in duplicate.

P.S.

Enclosure: Report of Deaths in Duplicate.

(Form No. 192.)

REPORT OF THE DEATH OF AN AMERICAN CITIZEN.

Consular Service, U. S. A.

SHANGHAI, June 27th 1905

Name: Mary Anne Burnett

Native or naturalized: Native

Date of death: June 24th.,1905

Place of death: Shanghai

Cause of death: Cancer of bowel and bladder

Disposition of remains: Buried

Local law as to disinterring remains in case it is desired to bring them home:

None

Disposition of effects: Estate being administered by court

Address of family: Sister Miss Rowena Randall,Freeport,L.I.New York.

Family notified: Yes

Accompanied by relatives: No

This information, inventory, accounts, etc., recorded in Miscellaneous Record Book, page 435

Remarks: Aged 68

Jas L. Rodgers

Consul General of the United States.

[SEAL.]

CONSULAR BUREAU
ISSUED AND PUBLISHED

CONSULAR BUREAU
ADOPTED AND PUBLISHED

(Form No. 192.)

REPORT OF THE DEATH OF AN AMERICAN CITIZEN.

Consular Service, U. S. A.

SHANGHAI, June 27th 1905

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Native or naturalized: Native

Date of death: June 24th.,1905

Place of death: Shanghai

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Address of family: Sister Miss Rowena Randall,Freeport,L.I.New York.

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This information, inventory, accounts, etc., recorded in Miscellaneous Record Book, page

435

Remarks:

Aged 68

Jay L. Rogers

Consul General of the United States.

[SEAL.]

CONSULAR BUREAU
AUG
8
1905
DEPARTMENT OF STATE

No. 115

Consulate-General of the United States,

SHANGHAI, CHINA, July 5th, 1905.

Mr. James L. Rodgers, Consul General.

To the Department of State.

Subject:

Law Reports.

Answered by form
Aug 9/05

Abstract of Contents.

Transmitting 5 law reports.

INDEX BUREAU
AUG 10 1905
FILED

No. 4

Consulate-General of the United States,

SHANGHAI, CHINA, July 5th , 1905 .

Honorable Francis B. Loomis,

Assistant Secretary of State,

Washington, D. C.

Sir:

I have the honor to transmit herewith five law reports in duplicate, as follows:

Police v. Hubert Edward.

" " Peter Murphy.

" " C. Paulson.

" v George Grove.

" " Waldemar Jenson.

I am, Sir,

Your obedient servant,

Jas. L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

Enclosures: as above stated.

AMERICAN CONSULAR COURT.

Shanghai, 7th June.

Before the Hon. JAMES L. ROGERS, Consul General.

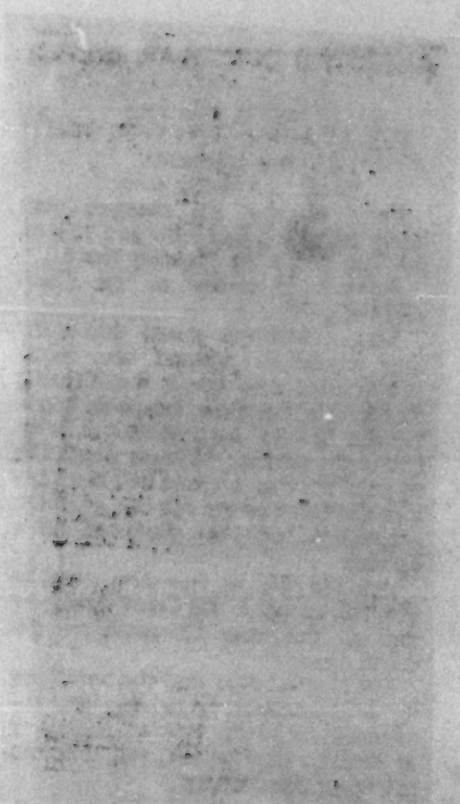
A HARD CASE.

Hubert Edward was charged with being drunk and disorderly in the Broadway at midnight on the 6th inst.

Inspector Bourke stated that on the date mentioned the accused was brought to the station in a drunken condition. He had been annoying the passers by in the Broadway by begging for alms, and when his request was refused he swore and cursed at the people. Accused had been convicted by the Court on two previous occasions.

P.C. Reagan said he was on duty on the date mentioned and he saw the accused who was drunk annoying people by begging. As he was very disorderly witness took him into custody.

His Honour said that accused was evidently a hard case and he would be better off if he was kept locked up. He would be imprisoned until he could be shipped away from Shanghai providing the term did not extend over three weeks.



AMERICAN CONSULAR COURT.

Shanghai, 16th June.
Before the Hon. JAMES L. ROBERTS,
Consul-General.

WON'T GET DRUNK AGAIN.

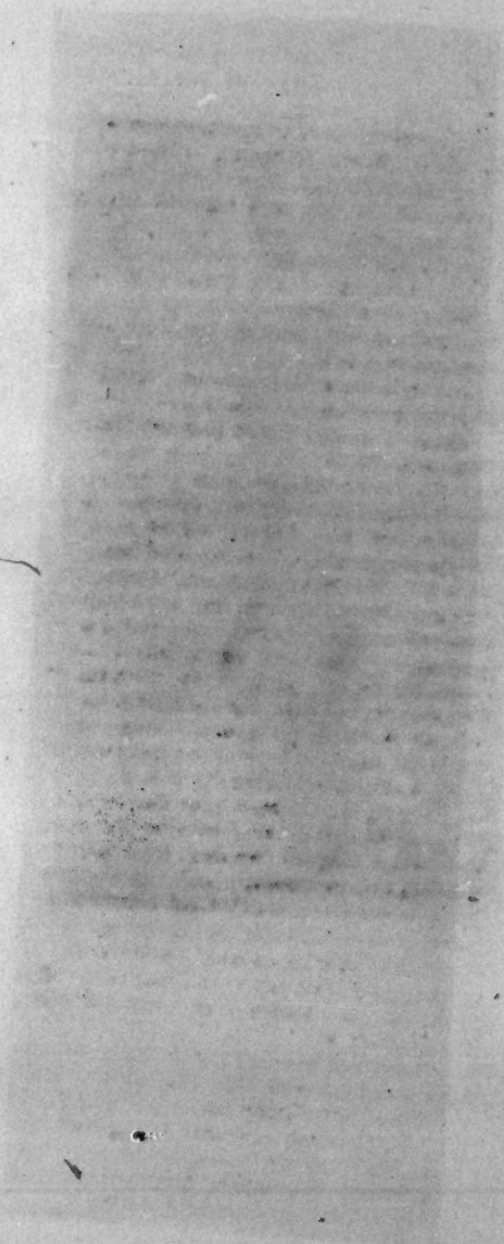
Peter Murphy was charged with being drunk and incapable at 2.30 p m. the 15th inst. in the Nanzing Road.

Accused in answer to the Court pleaded guilty.

Sergt. McGregor stated that at the time mentioned accused was found in a drunken condition in the Nanzing Road. He was quite incapable and a rickshaw had to be procured to bring him to the station. Witness would like to point out that accused had been before the Court on the 8th inst. on which occasion he had been dismissed with a caution.

Accused said he was sorry that he got full up, but if the Court would let him go this time he would not get drunk again.

His Honour, said that the best thing for accused would be to keep him imprisoned until such time as necessary to obtain a ship for him, said time not to exceed three weeks.



June 23. 1905

Before
Hon. Jas L. Rodgers.
Chief General

REFUSING DUTY.

C. Paulson was charged with refusing to obey the lawful commands of Captain Pending, of the American schooner Aurora, on the 21st inst.

Det. Sergt. Kingston, stated that armed with an American Consular warrant he arrested accused at 1.30 p.m. on the 22nd inst.

Captain Pending, sworn, stated the circumstances of the accused refusing duty on various occasions.

Accused in answer to the Court pleaded guilty.

His Honour said accused would be imprisoned for two weeks, unless sooner shipped away and to pay the costs of Court.

BEGGING ALMS.

George Grove was charged with begging and being without visible means of support on the 22nd inst.

W. H. Jackson, sworn, stated that yesterday afternoon the accused and another man came into the Horse Bazaar. Accused remained in the background while his companion accosted witness for alms. Witness told them to go away. They went away but shortly returned and witness gave them in charge.

P. C. Mills stated that he arrested accused and another man on the complaint of the last witness.

Inspector Mackintosh said that numerous complaints had been made by the residents in the Bubbling Well Road district about beachcombers begging from house to house and they were a source of considerable annoyance.

Accused pleaded not guilty and said it was his friend that tapped the first witness for a hand out.

His Honour said that accused would be better off by having a rest from his worries. He would be sentenced to two weeks' imprisonment.

AMERICAN CONSULAR COURT.

Shanghai, 1st July.
Before the Hon. JAMES L. ROGERS, Consul-General.

WANTED A PAIR OF SHOES.

Waldemar Jensen, seaman, of the American S. V. Inca, was charged with being drunk and disorderly, and refusing to go on board his ship when ordered on the 30th June.

Accused said he went to the Consulate to get some money to buy a pair of shoes. He had the money coming to him, but the money was refused him, so he said he would not go on board until he got the shoes.

The Clerk of the Court said accused went to the Consulate at 4 p.m. yesterday and he had shoes then.

Det. Sergt Kingston said he arrested accused at 7.30 p.m. yesterday in the Astor Bar. He had had a few drinks. Witness had not seen him during the day.

Accused said he was just going on board the ship after having a drink. He was arrested just as he was making a move. He had got a pair of shoes, but he still owed the shoemaker a dollar. The ship might sail in about a week.

His Honour said accused would be put on board his ship and also pay the costs of Court.

3rd ASST. SECRETARY.
JUL 6 1905

CHIEF CLERK,
JUL 6- 1905
Department of State.

TELEGRAM RECEIVED IN CIPHER.

CONSULAR BUREAU
JUL
6
1905
DEPARTMENT OF STATE

INDEX BUREAU
RECD.
JUL 6 1905
DEPT. OF STATE

From SHANGHAI,

July 6, 1905. 9:20 a.m.

Confirmed July 14. 1905.

Secretary of State,

Washington.

(Acted upon Instructions dated July 7/05 Ans July 13/05.

At what rate shall fees be collected this quarter? Rate cabled is not understood by some consulates.

RODGERS.

INDEX BUREAU
JUL 17 1905
FILED

Deciphered by the Chief Clerk's Office, 9:40 a.m.

Estimates

No. 18

Consulate-General of the United States,

SHANGHAI, July 6th , 1905.

Mr. James L. Rodgers, Consul General.

To the Department of State.

Rec'd Sept 6/05

Subject:

Consular Building.

Abstract of Contents.

Reports some changes in the quarters of this Consulate General & explanation. Encloses floor plans. Also reports the inproper condition of Jail. Applies for allowance to buy furniture. Urges Department to own Consular quarters in Shanghai.

No. 18

Consulate-General of the United States,

SHANGHAI, July 6th, 1905.

Honorable Francis B. Loomis,

Assistant Secretary of State,

Washington, D. C.

Sir:

I have the honor to report the change we are making in the quarters of this Consulate General, at No. 36 Whangpoo Road. The sketches attached illustrate the floor plans as they have been and as they will be.

In explanation of the necessity for these changes, permit me to say that ever since this building has been occupied for its present purpose, a portion has been used for residential quarters. The Consular rental has been $1000.00, that of the Jail about $. 750.00 and that of the Post Office $500.00. The Jail has consisted of some cells in a detached building and one room in the main building, while to the Post Office has been allotted one back room, accessible to the public only by a species of alley known as Old China Street, which abuts on the Eastern side of the premises. As the mail for Shanghai, and for other places in China, coming into this office has been increasing with every month, and as Americans of Shanghai have complained bitterly of our postal accomodations in comparison with those of other nations, it seemed but justice to the department to give it the space it pays for, and at the same time to afford the public conveniences and facilities, which were impossible under the old arrangement.

To effect these changes I will move the office of the Consul General to the second floor and there occupy the room formerly used as a bed room. The general office, for the Deputy Consul General and his clerk, and also the Marshal, will be installed in the room vacated by the Consul General. The Court Room will be the large reception room on the second floor, and in the old Court room will be the Vice Consul General, Interpreter and native writers. By this arrangement ample space will be provided for the Consular and Judicial departments, and the Post Office will have the East half of the first floor, which will permit of the installation of a requisite number of lock-boxes, money order and stamp department, besides providing a lobby into which the public can go for their mail and other postal business. No portion of the building will be used for residential purposes except one room in which one of the staff will sleep in order to respond to any emergency.

The building itself is old and I fear infirm; it is situated behind the godowns (warehouses) of the Nippon Yusen Kaisha (Japanese Steamship Company) and in a part of the city remote from the centre of business activity. With one exception, that of Austria which is several buildings East on Whangpoo Road, it is the poorest of the Consulates in Shanghai and has the worst location. However it is certain that no better building in a better location can be obtained for anything like the rent we pay. A building Company recently submitted plans for a building but little larger, but on a desirable site now occupied by Chinese buildings, and wanted a twenty year lease at a rental of $10000.00 Gold a year. It is my judgment therefore that unless an appropriation can be secured to purchase land and to erect a suitable building

in which could be housed the Consulate, the Court, the Post Office and the Jail, or special appropriation be made for rental, it is better to retain the present quarters for the period permitted under the arrangement made by my predecessor. This lease, which can be surrendered at any time, has yet about five years to run. If in the meanwhile it is possible to obtain better quarters within our allowance, I will immediately recommend the change.

The Jail attached to this Consulate is a disgrace, and in the light of modern practice inhumane. It lacks light, ventilation and a place for exercise; moreover it is so insecure that escapes would be common was there any place for a fugitive to go. As it is prisoners by the simplest methods of Jail breaking have gotten at large when it pleased them to do so, and this without fault upon the part of the Keeper--only one being allowed us. It is not possible to remedy these conditions in regard to the Jail as long as the Consulate remains in its present quarters. The building does not admit of extension of the Jail facilities, every portion being occupied now. We have endeavored to keep the place in a sanitary condition, but owing to the number of prisoners and the unfavorable location it is difficult to obtain the desired results.

The interior of the building in general is shabby, and redecorating should be done. As we are required by the terms of occupancy to do all interior repair, we are effecting such as lie with the ability of the labor at our command, but I do not feel justified in incurring any large amount of expense for the services and material of expert workmen.

The furniture of the Consulate is in the main old and in a ruinous condition. That of the Court Room is

especially so, nearly all chairs being broken and the tables and desks beyond repair. Herewith is submitted a list of furniture which we hope the Department will allow us to purchase here as a good product can be obtained at a smaller price than in America.

I beg to represent again most respectfully the propriety and wisdom of our Government owing its own Consular quarters in Shanghai. The great increase in population and in trade importance, isgiving wonderful impetus to all land values, and if there is to be consideration of such a matter it should not be delayed long. The necessity for maintaining a Court and Jail, and a Post Office of adequate dimensions and facilities still further emphasizes the wisdom of securing a site for a suitable building before it is too late. It will probably not be amiss to state in this connection that American affairs with the Chinese would be aided materially if permanent and desirable Consular quarters could be established and maintained.

I have the honor to be,

Sir,

Your obedient servant,

Jas. L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.
Enclosures:

1 List of furniture.
2 Floor plans.

I have the honour to be,

Sir,

Your obedient servant,

K.M.

Enclosures:

1 Plan of Furniture.
2 Floor plans.

LIST OF FURNITURE.

Three (3) Large Flat Top Desks.

One (1) Large Table (Court Room).

Two (2) Dozen Office Chairs.

One (1) Filing Case.

We estimate the cost of this furniture if obtained in Shanghai, where it can be produced quickly and well at $300.00 Gold.

Three (3) No.4 Underwood Typewriters.

In explanation of this request I beg to say that the machine owned by the Consulate is absolutely worn out and cannot be repaired. The one in use in the General Office is owned by the Postal Agency and must be left on that side. The third machine mentioned in our inventory is own by Mr. Davidson.

I respectfully request the 3 Typewriters, One for the use of the Clerk of Court, one for the use of the General Office and one for my private stenographer who is absolutely necessary for me to have. The business done in this Office is steadily increasing and demands the requirements stated herein.

CONSULAR BUREAU
AUG
8
1905
DEPARTMENT OF STATE

No. 19.

Consulate-General of the United States,

SHANGHAI, CHINA, July 7th 1905.

Mr. James L. Rodgers, Consul General.

To the Department of State.

Subject:

regarding Mr. Kidder, Consul at Nanking, China.

Abstract of Contents.

Informs the Dept. of Mr. Kidder's arrival in Shanghai and his expected return to the U. S.

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AUG 12 1905
FILED

No. 19.

Consulate-General of the United States,

SHANGHAI, CHINA, July 7th , 1905.

Honorable Francis B. Loomis,

Assistant Secretary of State,

Washington, D. C.

Sir:

I have the honor to inform you that Mr. Daniel S. Kidder, Consul at Nanking, in accordance with instructions, relinquished charge of the Consulate June 29th, Mr. W. T. Gracey, Vice Consul taking it over. Mr. Kidder arrived in Shanghai on his return home on June 30th, was afflicted more or less with his unfortunate habit, and was immediately taken to the General Hospital, where he is at present, his condition being somewhat bad owing to a gouty affection of the foot. Mr. Kidder will not be able to leave Shanghai for several days, but I have engaged passage for him on the S. S. "Shawmut" which sails July 23rd. He informs me he will proceed direct from Seattle to Washington D. C.

I have the honor to be,

Sir,

Your obedient servant,

John L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

TELEGRAM RECEIVED IN CIPHER.

INDEX BUREAU REC'D JUL 12 1905 DEPT. OF STATE

DEPARTMENT OF STATE
JUL 12 10 02 AM 1905
CHIEF CLERK'S OFFICE

From Shanghai,

July 12, 1905, 7:35 a.m.

Secretary of State,

Washington.

Answered July 13/05-
Confirmed July 14, 1905.

What answer my telegram of July sixth? Mexican dollars rate telegraphed Navy forty-five eight. Confusion resulting.

RODGERS.

INDEX BUREAU JUL 17 1905 FILED

Deciphered by the Chief Clerk's Office, 9:30 a.m.

TELEGRAM RECEIVED IN CIPHER.

DEPARTMENT OF STATE

JUL 12 10 03 AM 1905

CHIEF CLERK'S OFFICE

INDEX BUREAU RECD JUL 12 1905 DEPT OF STATE

Confirmed July 19'05

From Shanghai,

July 12, 1905, 7:39 a.m.

Secretary of State,

Washington.

Leave granted Mr Davison July 12'05

Kidder relinquished charge Nanking June twenty-nine, returned Shanghai, went to hospital.. Is now well, will shortly leave for the United States. Davidson convalescent typhoid requests leave of absence to return to home.

RODGERS.

INDEX BUREAU JUL 20 1905 FILED

Deciphered by the Chief Clerk's Office,

No.

Consulate-General of the United States,

SHANGHAI, CHINA, July 12th , 1905.

Mr. James W. Davidson.

To the Department of State.

Subject: Mr. Whittier's protest.

CHIEF CLERK,
AUG 11 1905
Department of State.

Abstract of Contents.

Acknowledging receipf of Dept's despatch enclosing copy of Mr. Whittier's letter. Enclosing copy of Mr. Davidson's answer thereto.

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AUG 22 1905
FILED

No.

Consulate-General of the United States,

SHANGHAI, CHINA, July 12th , 1905.

Honorable Francis B. Loomis,

Assistant Secretary of State,

Washington, D. C.

Sir:

I have the honor to acknowledge receipt of the Department's despatch of June 9th enclosing copy of letter from Mr. Charles A. Whittier, President, American China Development Co. protesting against certain remarks said to have been made by me derogatory to him and that the Department would like me to explain my action in this matter. Mr. Whittier's letter was received and answered by me prior to the arrival of the Department's despatch and I how have the honor to enclose a copy of ~~my~~ The letter written to Mr. Whittier. I trust that the explanation therein contained will meet with the approval of the Department.

I have the honor to be,

Sir,

Your obedient servant,

James W. Davidson

AMERICAN CONSULAR SERVICE.

Y.W.

Enclosure: Copy of Mr. Davidson's letter to Mr. Whittier.

SHANGHAI, July 10th 1905.

General Charles A. Whittier.

My dear Sir:-

I am in receipt of your communication of June 5th in which you state that it has been reported to you that I had declared that you had better not come to China; and also that it was my opinion that your Company should have another President; and that I had written to Washington about this matter; and that you would like me to inform you on what I base any such opinion. In reply I would state that I have not been quoted quite correctly. I did state that I thought it unwise for you to come to China and that I also considered it desirable that for the time, at least, your name be kept in the background. These two statements referred to conditions as they existed at the beginning of the year. I doubtless also stated that it was my intention to report fully to Washington regarding the actual situation and permit Washington to draw its own conclusions. I have been too long in the Government Service to risk being made ridiculous by intimating to the Department what their conduct should be. Therefore, there has been no report to Washington to the effect that I considered that the Company should have another President etc. Futher-

more

SHANGHAI, July 10th 1903.

General Charles A. Whittier.

My dear Sir:-

I am in receipt of your communication of June 8th in which you state that it has been reported to you that I had declared that you had better not come to China; and also that it was my opinion that your Company should have another President; and that I had written to Washington about this matter; and that you would like me to inform you on what I base any such opinion. In reply I would state that I have not been quoted quite correctly. I did state that I thought it unwise for you to come to China and that I also considered it desirable that for the time, at least, your name be kept in the background. These two statements referred to conditions as they existed at the beginning of the year. I doubtless also stated that it was my intention to report fully to Washington regarding the actual situation and permit Washington to draw its own conclusions. I have been too long in the Government Service to risk being made ridiculous by intimating to the Department what their conduct should be. Therefore there has been no report to Washington to the effect that I considered that the Company should have another President etc. Further-

more

more I would state that whenever I have been in communication with the Chinese or with foreigners (aside from the confidential conversation I had with two of your representatives here) I have always upheld you and endeavoured, as my correspondence on file in the Consulate will show, to convince the Chinese that your position as President of the American China Development Company was due wholly to the fact that your experience and business capacity had best qualified you for it.

You are of course aware, though you hesitate to admit that fact in your letter, that the affairs of the American China Development Company have not been progressing smoothly since work was stopped last year. You are also doubtless perfectly familiar with the fact that H. E. Sheng declared that if you came to China he would refuse to receive you, and that this opposition was due to the fact that the Chinese believed you to be the American agent of the Belgian King. In the endeavor that all American Government Officers and your own representatives were making to dispel the opposition of the Chinese to your Company, much capital was made of the report that the Belgian interests had been transferred to American financiers and that the Company was now wholly American. When such statements were made, the Chinese frequently

'IVHSHVHS

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frequently would inquire if you were still connected with the Company, and when informed that you were, they received with little credence our statements that Belgian representation had been entirely eliminated. It was this situation which made it appear an inopportune time for you to come to China, and, if Chinese opposition was to be overcome (and I presume it was the desire of your Company that this should be accomplished) it seemed advisable that your name be kept in the background for a month or two. These and no other reasons were those which induced me to make the confidential statements to which you have objected.

I regret that you have been so ready to assume that my statements regarding you have "been founded upon the idle chatter of a lot of people in Shanghai and Canton." I assure you that I have always had great belief in your ability and capacity, and without integrity I am sure you would not have been selected for the many positions of great responsibility which you have held during the past two decades; and I greatly regret, as does every American in China, that political matters should have, to some slight degree, interfered with your efforts, and that the only American concession of importance ever obtained in China should have encountered such difficulties as to jeopardise its

frequently would inquire if you were still connected with the Company, and when informed that you were, they received with little credence our statements that Belgian representatives had entirely eliminated. It was this situation which made it appear an inopportune time for you to come to China, and, if Chinese opposition was to be overcome (and I presume it was the desire of your Company that this should be accomplished) it seemed advisable that your name be kept in the background for a month or two. These and no other reasons were those which induced me to make the confidential statements to which you have objected.

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C.A.W.-4

its success.

While not considering it necessary for me to defend my action in regard to this matter, I should regret very much if the impression should exist that I had taken a position of antagonism to such an important American interest as your Company. Your Mr. Baldwin, now in New York, and Mr. Brooks, your attorney in Shanghai, will be able to inform you in regard to my attitude.

I am leaving for America on the 22nd inst. and will be in New York toward the close of September. If you care to see me, I should take great pleasure in calling on you at that time and placing before you, if you wished it, such slight information as I may have regarding the situation here. I can be reached "Care of Department of State, Washington".

I am, Sir,

Your obedient servant,

(Signed) James W. Davidson

AMERICAN CONSULAR SERVICE.

Y.W.

its success.

While not considering it necessary for me to defend my action in regard to this matter, I should regret very much if the impression should exist that I had taken a position of antagonism to such an important American interest as your Company. Your Mr. Baldwin, now in New York, and Mr. Brooke, your attorney in Shanghai, will be able to inform you in regard to my attitude.

I am leaving for America on the 22nd inst. and will be in New York toward the close of September. If you care to see me, I should take great pleasure in calling on you at that time and placing before you, if you wished it, such slight information as I may have regarding the situation here. I can be reached "Care of Department of State, Washington".

I am, Sir,

Your obedient servant,

(Signed) Wm. H. Edwards.

AMERICAN CONSULAR SERVICE.

Y.M.

CONSULAR BUREAU JUL 19 1905 DEPARTMENT OF STATE

CHIEF CLERK. JUL 19 1905 Department of State.

Form No. 282

TELEGRAM RECEIVED IN CIPHER.

DEP'T OF STATE JUL 19 1905 2ND ASST SECRETARY

CONSULAR BUREAU From Paraphrase and given to forces Confirm. aab

Shanghai, July 19, 1905.

(Received 12:40 p.m.)

Secretary of State,

Washington.

Boycott against American goods to commence Shanghai tomorrow. Every effort has been made to allay the agitation.

ROGERS.

Confirmed July 18, 1905. (by 8). Cmfa July 20

INDEX BUREAU AUG 5 1905 FILED

Deciphered by the Chief Clerk's Office, July 19, 1905 12:45 p.m.

Shanghai

CONSULAR BUREAU



3rd ASST. SECRETARY.
JUL 26 1905

CONSULAR BUREAU
JUL
26
1905
DEPARTMENT of STATE

ON BOARD T.S.S.MINNESOTA.

File.

July 20th, 1905.

Hon.DdH.Pearce,
Third Ass.Sec. of State,
Washington,D.C.

Sir,

I have the honor to inform you that I left Shanghai June 24th,1905,and arrived at Seattle July 20th.

It was my intention to take my furlough in March,but a combination of circumstances made it necessary for me to stay on longer:the reasons for which I can give you when I reach Washington.

After resting a few days on Puget Sound,I purpose going East,and hope to call on you early in September.

I have the honor to be,Sir,
Your obedient servant,

Stephen P. Barbour

ADDRESS,-
Annapolis,
R.F.D.,No.1, Maryland.

INDEX BUREAU
AUG 2 1905
FILED

No. 20

Consulate-General of the United States,

SHANGHAI, July 20th, 1905.

CONSULAR BUREAU. NOTED.

Mr. James L. Rodgers, Consul General,

To the Department of State.

Subject:

Death of Seaman.

Abstract of Contents.

Reports the death of seaman, Andro Levis, occurred on July 7. An inquest was held. Jury found the deceased came to his death by drowning. Master of ship was ordered to deliver deceased's personal effects and wages due to Shipping Commissioner at Pt. Townsend. Enclosing proceedings in the inquest of A. Levis.

CONSULAR BUREAU AUG 25 1905 DEPARTMENT of STATE

INDEX BUREAU Sep 12 1905 FILED

No. 20

Consulate-General of the United States,

SHANGHAI, July 20th , 1905.

Honorable Francis B. Loomis,

Assistant Secretary of State,

Washington, D. C.

Sir:

I have the honor to advise the Department of the death of Andro Levis, a seaman belonging to the Barkentin "Koko Head" of San Francisco, John Edwardsen, Master, which occurred on July 7th, while said vessel was anchored in the river off Shanghai.

From the evidence of the Mate and seamen of said vessel, the deceased was at work over the side of the vessel and while endeavoring to unloosen a chain, lost his balance and fell over board. The vessel, at the time lumber laden, was being discharged and a raft of lumber was along side. The man evidently was washed under the vessel or raft and was not seen again although a boat was lowered and every effort was made to find him. Three days later the body was recovered by the River Police and an inquest was held. The verdict of the Coroners Jury was accidental drowning. Andro Levis was born in Austria, was 22 years of age, 5 feet 6 in. high. His account with the ship was as follows:

Wages due April 7 to July 7, 3 months and 1 day at $25.00.....Gold		$ 75.33
Less Advance.....	$ 16.66	
Slops.....	" 8.00	
Cash $39. Mex. at 2.12..	" 18.40	
		" $ 43.06
Balance due Gold		$ 32.27

As the vessel returns to Port Townsend, I have in accordance with the paragraph #255, Consular Regulations, directed the Master of the vessel to deliver his clothes

and personal effects together with the wages due, to the U. S. Shipping Commissioner at Port Townsend.

I have the honor to be,

Sir,

Your obedient servant,

Jas L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

Enclosures: Account of proceedings (in duplicate) in the inquest of A. Levis..

INQUEST.

Shanghai, 10th July.

Before the Hon. JAMES L. ROGERS, Coroner, and Messrs. H. K. Struve G.F. Coard and A.W.Bash, Jurors.

An inquest was opened at the American Consulate this morning into the circumstances of the death of A. L. Levis whose body was found floating in the river at 9.40 a.m. the 9th inst.

C.P. Larsen sworn, said he was the chief officer of the American ship Koko Head. The deceased fell overboard from the ship last Friday. He was trying to get a chain sling loose from a big log that was lying alongside the ship. A Chinaman sung out to the donkey man to heave away and the deceased was knocked overboard by the shock. He was knocked over by the fall that was close to him. He was standing on the rail close to the fall. Witness was forward at the time and heard the cry and ran aft and all he could see was the head and hands of the man who had got under a raft of logs. The tide was running very fast at the time and the body was carried away. The deceased was about 26 years of age and was shipped in Portland as a sailor. Witness knew nothing of his family. The accident happened at about 3.15 p.m. Friday afternoon.

By a Juror—The logs were heaved out of the hold and were lying in the water close to the ship.

H. Luhrs, sworn, said he was a German and had been three months on board the ship as a sailor. He saw the deceased fall overboard. They were both on the rail together and deceased was trying to clear a sling, when a Chinaman sung out go ahead and the donkey engine was started and deceased was knocked overboard and witness fell on the deck. He saw the body floating in the river yesterday face downward.

By a Juror The chain sling was clear of the log when deceased fell in to the river. A Chinaman sung out go ahead. There were life buoys on deck, but none were thrown to the deceased.

River Constable W. G. Banks, sworn, said said that he found the body of the deceased yesterday floating in the river off the Soey Chee Cotton Mills at about 9.40 a.m. It was tied to a long bamboopole. Witness telephoned to the Mortuary and had the body taken there. The second officer of the Koko Head was in a sampan with witness and he said he thought the body was that of Levis. He went on board the ship and reported that the body had been found

Captain Edvardsen, sworn, said he saw the body floating in the river yesterday. He recognised it as that of Levis. He did not see its face yesterday as the body was floating face downwards.

The Jury after viewing the body brought in the following verdict:—The deceased came to his death on the 7th July between 3 and 4 o'clock p.m. by drowning, he having accidentally fallen overboard from the American ship Koko Head.

INQUEST.

Shanghai, 10th July.

Before the Hon. James L. Rogers, Coroner, and Messrs. H. K. Struve G.F. Coard and A.W.Bash, Jurors.

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By a Juror—The logs were heaved out of the hold and were lying in the water close to the ship.

H. Luhrs, sworn, said he was a German and had been three months on board the ship as a sailor. He saw the deceased fall overboard. They were both on the rail together and deceased was trying to clear a sling, when a Chinaman sung out go ahead and the donkey engine was started and deceased was knocked overboard and witness fell on the deck. He saw the body floating in the river yesterday face downward.

By a Juror The chain sling was clear of the log when deceased fell in to the river. A Chinaman sung out go ahead. There were life buoys on deck, but none were thrown to the deceased.

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Captain Edvardsen, sworn, said he saw the body floating in the river yesterday. He recognised it as that of Levis. He did not see its face yesterday as the body was floating face downwards.

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CONSULAR BUREAU
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AUG 21 1905
DEPARTMENT OF STATE

No. 21

Consulate-General of the United States,

SHANGHAI, July 20th, 1905.

Mr. James L. Rodgers, Consul General.

To the Department of State.

Subject:

Assignment of Mr. C.L.L.Williams, Student Interpreter.

Abstract of Contents.

Informs the Department of the assignment of Mr. Williams to Shanghai Consulate. Recommends the appointment of Mr. Arnold as Chief Interpreter.

INDEX BUREAU
SEP 23 1905
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No. 21

Consulate-General of the United States,

SHANGHAI, Julu 20th , 1905.

Honorable Francis B. Loomis,

Assistant Secretary of State,

Washington, D. C.

Sir:

I have the honor to inform you that upon my request of the Legation, Mr. C. L. L. Williams, Student Interpreter, has been assigned to this Consulate to assist Mr. Julean H. Arnold, Student Interpreter, who is acting in place of Dr. Stephen P. Barchet, Chief Interpreter, on leave. In this connection, I request that authority be given me to place Mr. Arnold on the payroll of the Consulate as Chief Interpreter, during the absence of Dr. Barchet, who I understand is not drawing the salary; and in event of Dr. Barchet's resignation, that I may be allowed to continue Mr. Arnold under the designation and pay of Chief Interpreter.

I earnestly recommen this action as it will certainly be for the best interests of the Consulate.

I have the honor to be,

Sir,

Your obedient servant,

John L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

CONSULAR BUREAU
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No. 22

Consulate-General of the United States,

SHANGHAI, July 21st , 1905.

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Mr. James L. Rodgers, Consul General

To the Department of State.

Subject:

Appointment of Mr. W. P. Boyd
as Vice and Deputy Consul General.

Abstract of Contents.

Recommending the appointment of
Mr. Boyd as Vice and Deputy
Consul General at Shanghai.

DIVISION BUREAU
MAY 29 1906
FILED

Appointment of Mr. W. B. Doyd
as Vice and Deputy General Counsel.

Recommending the appointment of
Mr. Boyd as Vice and Deputy
General Counsel at Shanghai.

No. 22

Consulate-General of the United States,

SHANGHAI, July 21st , 1905.

Honorable Francis B. Loomis,

Assistant Secretary of State,

Washington, D. C.

Sir:

I have the honor to request the appointment of Mr. Wilson Porter Boyd, of Missouri, at present acting as Deputy Consul General, as Acting Vice and Deputy Consul General, and in event of the resignation of Dr. Stephen P. Barchet, Vice Consul General on leave, that Mr. Boyd shall be appointed Vice and Deputy Consul General. In relation to Mr. Boyd, I desire to state that he entered the Consular Service in 1887 as Consular Clerk, served in Department six months, was then assigned to Paso de Norte, Mexico; Ottawa, Canada; Chemnitz, Germany; Glanchon, Germany; Paris, France, and Honolulu, H. I. He reentered the service after a lapse of a few years, as Deputy Consul General here. In reputation, character and ability, Mr. Boyd is in every way qualified, and I unhesitatingly recommend him for the place indicated.

If your decision upon this matter is favorable, I will be greatly obliged for as prompt a reply as possible.

I have the honor to be,

Sir,

Your obedient servant,

Jas. L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

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BUR ACCOUNTS. DEP. OF STATE.

No. 23

Consulate-General of the United States,

SHANGHAI, July 21st, 1905.

Sir. James L. Rodgers, Consul General.

To the Department of State.

Bu Accts
Acknd Aug 31-05

Subject:

Quarterly Account.

file

Abstract of Contents.

Transmitting accounts and returns for the fractional quarter ended June 30th 1905.

INDEX BUREAU
DEC 11 1905
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No. 23

Consulate-General of the United States,

SHANGHAI, July 21st , 1905.

Honorable Francis B. Loomis,

Assistant Secretary of State,

Washington, D. C.

Sir:

I have the honor to transmit herewith my accounts and returns for the fractional quarter ended June 30th 1905.

In compliance with Circular instructions dated May 23rd 1905, I have applied the balance of Fees, after paying my salary, amounting to $89.13 to Contingent Expenses, leaving a balance due me of $447.49. By examination of the account you see will that I have paid the Rent from April 1st to June 30, this account not having been rendered at the time Mr. Davidson (my predecessor) forwarded his accounts for the period from April 1st to May 28th 1905 inclusive.

The accounts for which I hope the Department will authorize me to draw, are as follows:

Rent from April 1st to May 28th.....	$160.60
Salaries of Employees, rendered in Expense Account.....	"133.70
Balance due for telegrams after applying excess of Fees.....	" 23.86
Total	$ 318.16

This will then leave a balance of $129.33 due me for the reimbursement of which I presume I must wait until Congress passes a deficiency appropriation unless, after all Consular Accounts have been received and approved the Department can arrange for payment.

I have the honor to be,

Sir,

Your obedient servant,

Jas. L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

Enclosures:

1. Arrival and Departure of American vessels.
2. Record of Notarial Services.
3. Return of Marshal of Consular Court.
4. Contingent Expenses.
5. Account for Clerks.
6. Salary, Marshal for Consular Court.
7. " Interpreter to Consulate.
8. Expenses of Prisons for American convicts.
9. Aggregate Return of Fees, Fiscal year ended June 30th 1905.

Rec'd, Bu. Accts.

CONSULAR BUREAU
AUG
25
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No. 4

Consulate-General of the United States,

SHANGHAI, July 21st , 1905.

Mr. James L. Rodgers, Consul General

To the Department of State.

Subject:

Law Reports.

Abstract of Contents.

Transmitting reports of 1 various Consular Court cases
Law cases.

DEPARTMENT OF STATE
AUG 29 1905
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No. 4

Consulate-General of the United States,

SHANGHAI, July 21st 1905. , 190 .

Honorable Francis B. Loomis,

Assistant Secretary of State,

Washington, D. C.

Sir:

I have the honor to transmit herewith in duplicate law cases came before this Consular Court during the last three weeks, as follows:

W. Leach vs. G. W. Lynch.

Police vs Mrs Annie Feldman.

Loh Sia-chin & Loh Yu-sang vs C. W. McCoy & R. T. Tyler

Police vs W. F. Charles and J. J. Shults.

" " Ernest Merett.

" " John Lang.

Capt. Colstrup vs P. Saroni, W. C. Larson, A Wendt, O Shatzer, C. Swanson & F. Bergenheim.

I am, Sir,

Your obedient servant,

Geo. E. Anderson

AMERICAN CONSUL GENERAL.

Y.W.

6 enclosures.

Shanghai, 6th July.

WANTED A RIDE.

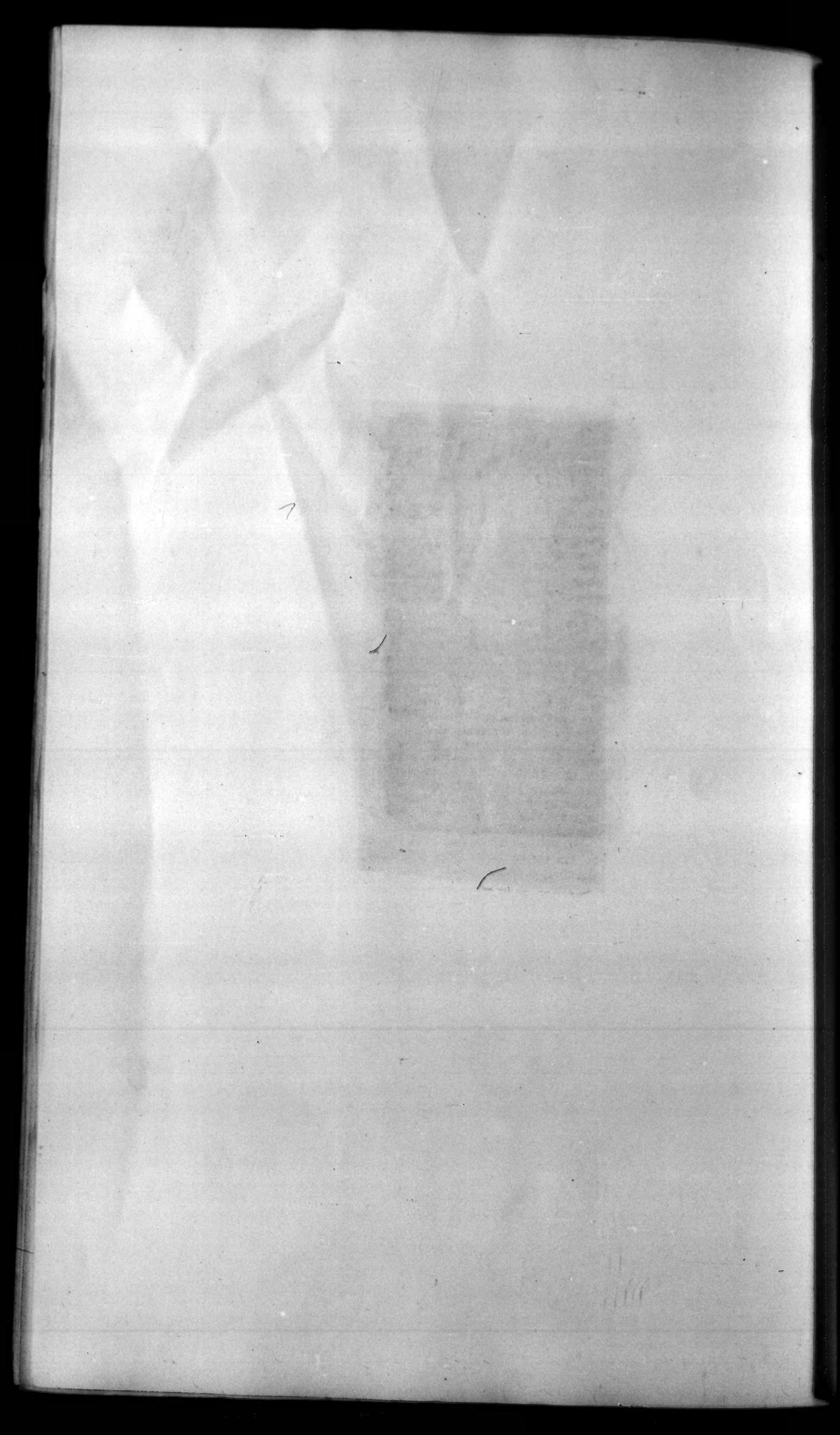
G. W. Lynch, ship's cook of the U.S.S. Solace, was charged with assaulting W. Leach, on the 5th inst. in the Fearon Road.

Accused in answer to the Court said he know nothing about the scrap.

W. Leach, sworn, said that yesterday afternoon he was going along the Fearon Road in his carriage, when it was stopped by some festive bluejackets. The accused jumped on the step and entered the carriage and witness told him to get out and make himself scarce. Accused thereupon aimed a blow at witness and tried to hit him in the eye. Witness dodged the blow but he received a bruise on his shin. The other men went away and accused was given in charge of the police who locked him up.

Accused in answer to the Court said it made no difference to him whether he went home again or not.

His Honour said that Captain Bull, of the Solace would be informed of the matter and accused would be sent on board for punishment.



HOUSE CLOSED UP.

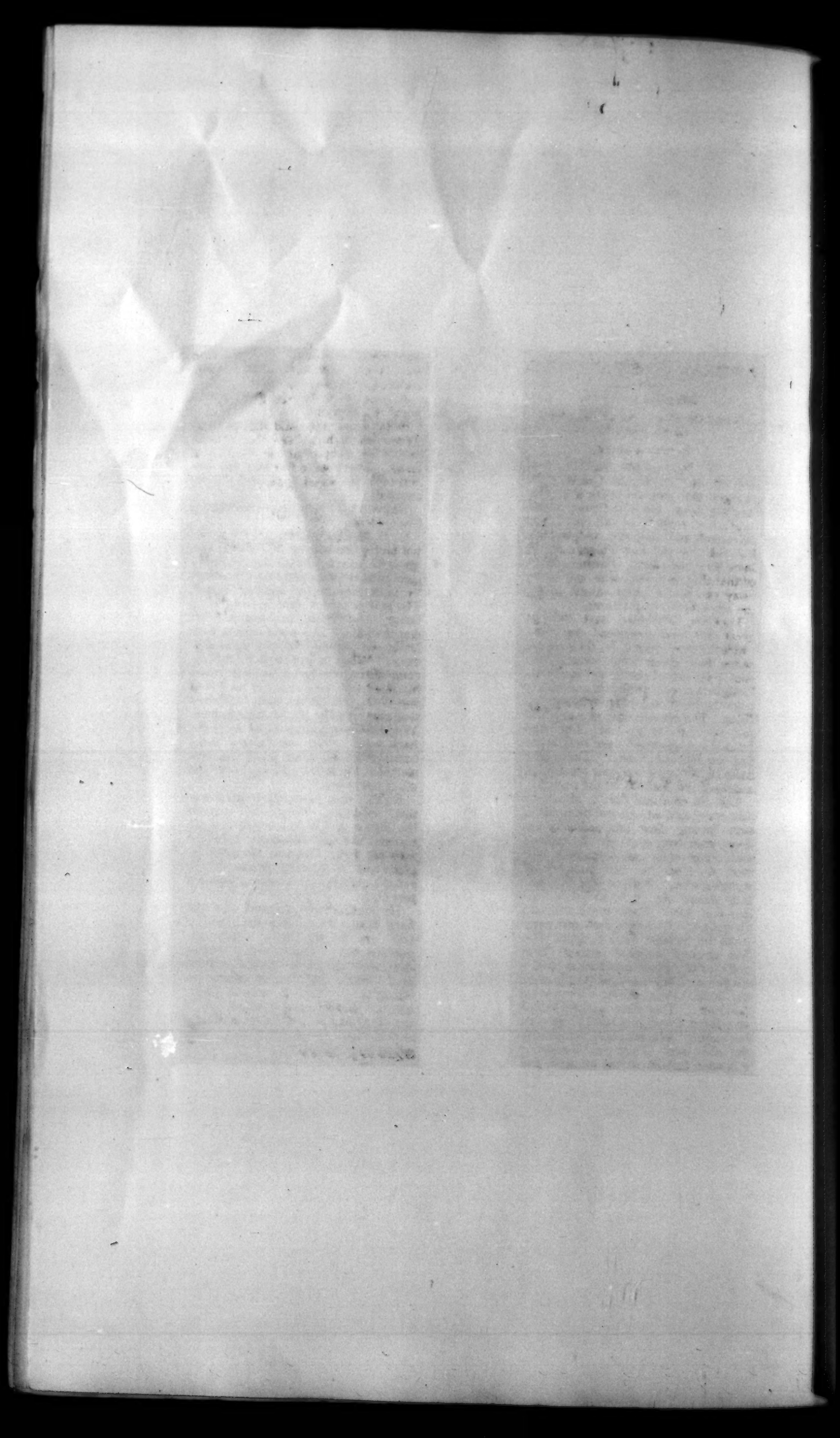
Mrs. Annie Feldman was charged with disorderly conduct at No. 183 Kiangsi Road on the 28th, 29th and 30th June.

Inspector Matheson stated that he had received a number of written complains about the house from very reputable people who had been repeatedly annoyed by accused. Witness had also been annoyed. (Complaints were here handed in). The property was owned by Messrs. Sassoon and Co. and they had tried to make accused vacate the house but she had refused to quit.

Dct. Sergt. Goby, sworn, gave corroborative evidence.

Accused said she came here from Cape Town with her husband about five months ago. Shortly after arriving here he had deserted her. Her money then ran short and she furnished the house in Kiangsi Road at considerable expense. The police had annoyed her a great deal and a fair stout sergeant came to the house and said he would give her one day to clear out, and if she did not do so he said he would throw her furniture into the street and herself through the window.

His Honour said accused would have to discontinue the business and close the house at once.



AMERICAN CONSULAR COURT.

Shanghai, 10th July.

Before the Hon. JAMES L. RODGERS, Consul-General.

WANTED A SMOKE.

C. W. McCoy and R. T. Tyler, seamen on the U.S.S. Quiros were charged that they did break and enter dwelling house No. 139 Peking Road at about 12 o'clock the 9th inst. Also did assault and beat the complainants Loh Sia-chin and Loh Yu-sang at the same time and place. Further charged that they did steal, take and carry away two water pipes valued at $7, the property of complainants.

Inspector Matheson said that at about the time mentioned the complainants were sitting in their house eating their dinner when suddenly the door was forced open and five or six foreigners entered the house and tried to enter the bedroom of the complainants' wives. The complainants objected and told the men to go out. The men refused and assaulted them both inside and outside the house. The police came on the scene and saw the assault and took the accused to the station.

Loh Sia-chin said that at about the time mentioned witness and his brothers were having chow and suddenly the doors were burst open and the accused with some other people came in and tried to enter the bed chamber of witness's wife. Witness told the men they should not go in and they then assaulted him. There were five men altogether. The other men ran away when the accused were caught. The first accused knocked witness down and then the second man took a hand in the game. They then took the pipes and put them in their pockets. They were riot drunk. The door was not locked as a servant had gone out to buy some hot water. Witness could not identify the other men. They were dressed in a similar fashion to the accused and wore white navy caps. Only one pipe was taken. Witness after being knocked down was kicked.

A number of natives gave corroborative evidence.

Indian P. C. 149 said that at 12.30 o'clock last night he saw the accused assault the complainants in the Peking Road. There were four men but witness only managed to capture the two accused.

Native P. C. 649, gave corroborative evidence.

C. H. McCoy, sworn, said he admitted hitting the man in the street. At about 11.30 p.m. himself and five more men took rickshas and told the pullers to take them to a sporting house. The pullers landed them in front of a house in the Peking Road and said that was the joint. The other fellows went inside and witness was the last one to enter. When he got inside he saw the complainant who had a bandage round his head with an axe in his hand and was hitting the other men. Witness was also hit so he hit the complainant. Witness never attempted to enter the back room. The complainant had a bandage on his head when the row started. He would not say who the other men were.

R. T. Tyler, sworn, gave corroborative evidence. When he entered the house, a Chinaman grabbed an axe and laid about him and some of the men hit him. Witness thought the place was a sporting house as the ricksha pullers said it was a house of that class.

His Honour said accused would be fined fifteen dollars gold each and be sent on board their ship for punishment. The Court wanted American sailors to plainly understand when they came ashore in Shanghai they had to behave themselves. They had no more liberty here than they had on the American Coast and if they forgot that fact they would be punished.



AMERICAN CONSULAR COURT.

Shanghai, 11th July.

Before the Hon. James L. Rodgers, Consul-General.

ON THE RAMPAGE.

W. F. Charles, fireman and J. J. Shults, seaman on the United States t.b.d. Chauncey, were charged with being drunk and disorderly in a house at No. 18 Boone Road at 9.40 p.m. the 10th inst. Further charged with assaulting one Tsah Tsa Ling at the same time and place.

Insp. Bourke, sworn, said that at about 10. p.m yesterday the accused were drunk and entered a shop in the Boone Road and created a disturbance and then assaulted the complainant.

Indian Sergeant No. 52, said that at the time mentioned he was in the Boone Road and saw the accused assaulting the complainant. P.C. No. 174 tried to arrest the men and were also assaulted. Witness went to the Broadway and procured assistance and took the men in charge. The men were half drunk and said they would see the Consul. The men were in a bicycle shop and hired a machine and refused to pay the hire.

Indian P.C. 174 gave corroborative evidence to the last witness.

Tsah Tsa Ling showing the marks of battle, was cautioned said the men came to his shop and hired a bicycle and refused to pay or give their names. He remonstrated with the men who were half drunk and they hit him in the face and mouth and made it bleed. Both the men hit him.

A native called, gave corroborative evidence to the last witness. He saw the men take the wheel out of the shop without paying for it. He saw the men hit the last witness at the door of the shop. There were no other men present.

W. F. Charles, sworn, said he was not guilty. When he went to the gaol last night he asked the Sergeant on dutyif he wwiness was drunk and he said no. At 9.30 p.m. witness went to the shop to hire a couple of bickes and was told to put his name in a book which was done. When they returned for the machines the Chink started an argument and some Japs came down stairs and butted in and said Americans were no good. Schults came in and took a hand in the mix up and him and witness waded in and plugged the two last witness's who were using a lat of guff. Witness and Schults had been playing baseball all the afternoon and were sober. They had only a few drinks during the day.

J. J. Schults, swow, gave corroborative evidence to the last witness.

His Honour said accused would be fined $10 gold each and would be sent on board their ship for punishment and the next time they came ashore they should be more careful how they butted in.

AMERICAN CONSULAR COURT.

Shanghai, 13th July.

Before the Hon. JAMES L. RODGERS, Consul-General.

A BRUISER.

Ernest Merrett, seaman on the U.S. t.b.d. Chauncey was charged with being drunk and disorderly in the Fearon Road on the 12th inst. and assaulting Police Constables No's. 160 and 115 while in the execution of their duty, and causing the loss of a police whistle and damaging a pair of uniform trousers valued at $3.

Inspector Bourke gave a short outline of the affair.

P. C. 115, cautioned, said that at about 12 o'clock last night he heard a noise in the Fearon Road and on going in that direction he found the accused making a disturbance. Witness told him not to make so much noise or cause trouble and the blue jacket hit him. Witness then blew his whistle for assistance and the accused tore the whistle away from him and broke it and threw it away and then ran away himself. Witness gave chase and the accused fell down and another constable came up and assisted witness in arresting the accused who was half drunk.

P.C. 160, cautioned, said he heard the whistle being blown. On getting to the scene he found the accused struggling with the last witness. Witness assisted the constable and the sailor assaulted witness.

P.C. 130, cautioned, said he heard the row and went to assist and was himself assaulted by the blue jacket.

E. Merritt sworn, said he was in a restaurant at 12 o'clock. He left there and took a ricksha and was going away without making any noise. P.C. 115 stopped the ricksha and witness told the coolie to go chop chop. The copper came up again and caught hold of witness. Witness got out of the ricksha and told the peeler to turn round while witness took his number to report him. The cop then blew his whistle and began to club witness. Some more cops came up and they also began to beat witness and took him to the station.

His Honour said accused would be find $ 5 and be sent on board his ship.

A GOOD SAMARITAN.

John Lang, an office cleaner, was charged with assaulting and obstructing P. C. 160 while in the execution of his duty in the Miller Road on the 12th inst.

Inspector Bourke said that accused assaulted the police while they were taking the last prisoner to the station.

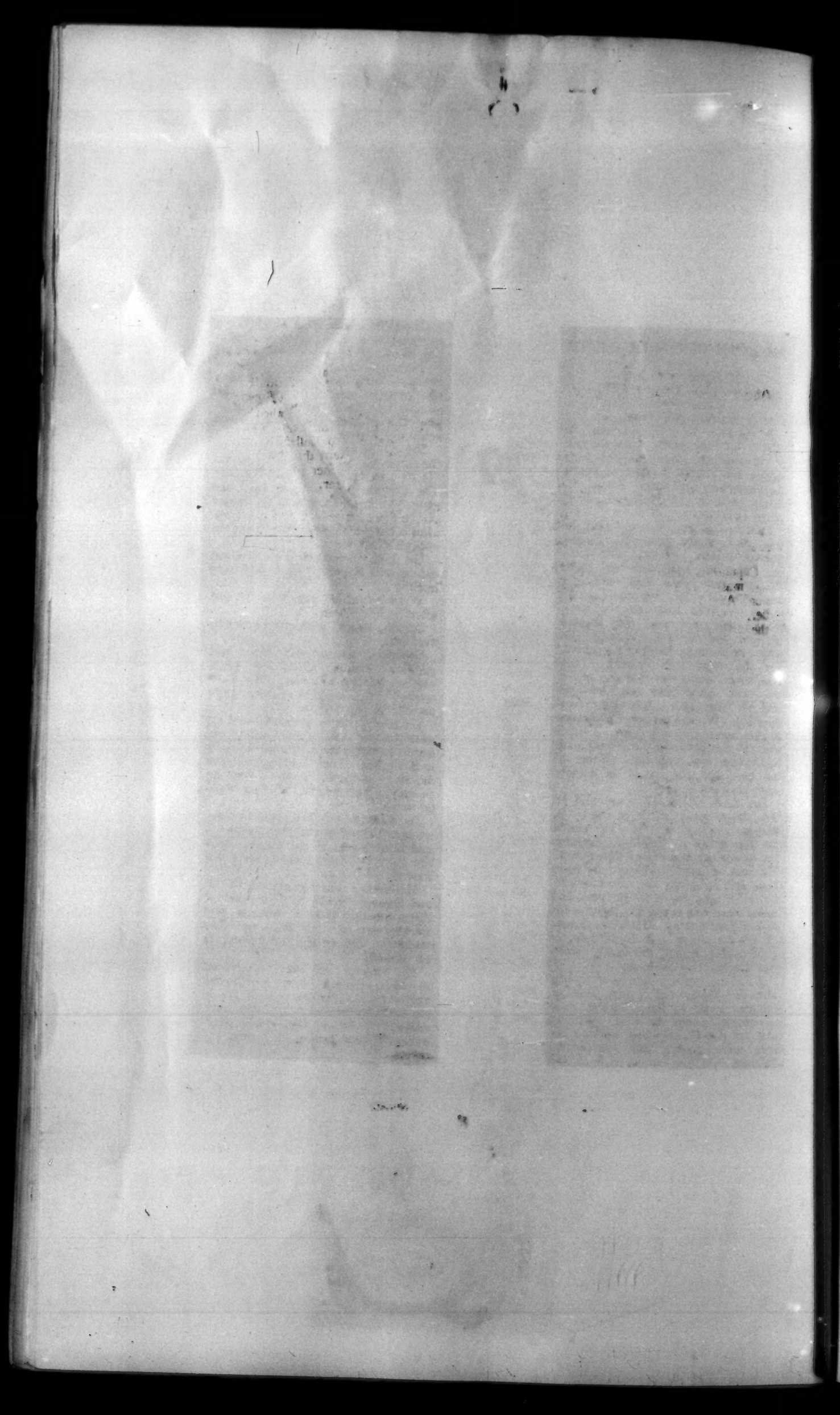
P. C. 160 said that while he was taking the sailor to the station last night, the accused came up and began to abuse the police and told them to let the prisoner go. Witness refused and the man began to assault him and witness was hustled about the road.

P. C. 115 gave corroborative evidence.

Accused said Merritt had not done anything, and witness did not like to see him getting run in.

His Honour, said accused would be kept in gaol for three weeks, or such part of the time as might be necessary for him to be shipped.

His Honour also said that he did not want to hear of any more complaints being made of the use of clubs by the policemen as this matter had been brought to his attention before and he wanted it stopped.



AMERICAN CONSULAR COURT.

Shanghai, 17th July.
Before the Hon. James L. Rodgers.
Consul General.

CHICKENS FOR DINNER.

P. Saroni, W. C. Larson, A. Wendt, O. Shatzer, C. Swanson and F. Bergenheim, were charged with mutiny and riotous conduct on board the American schooner Annie E. Smale, while in the Huangpo River, on the 15th inst.

Captain Colstrup, sworn, said he was master of the Annie E. Smale, from Aberdeen, Wash., with lumber. The ship had been here since the 20th June. She was ready for sea on the 14th July, but could not go to sea on that date as the crew refused duty and said they wanted to see the Consul. Witness got assistance from an American gunboat, but the men still refused. They complained about the food and said it was not good and not enough. and on the 15th July the crew mutinied. Witness procured assistance to put some of the men in irons and put them in the hold and the second mate had to keep watch all night. Some of the men said they would fix witness when they got to sea.

Dr. S. A. Ransom, sworn, said he was the medical officer of the U. S. Marine Hospital service. He visited the ship Annie E. Smale to examine the food which was served to the crew. He went on board just before the noon hour and examined the provisions in course of preparation for the men, and found there was ample for their needs and of good quality. He also examined all the stores and found them of good quality, except the butter which was damaged by the heat.

J. P. Boyd, sworn, said that shortly after the ship arrived in port, some of the men came to the Consulate and complained about the food. Witness sent for the Captain and he said the men were getting full and plenty. Witness told him to put them on the scale and let a man see it weighed out every morning. The Captain wanted to pay off two of the men. Witness heard no more until Saturday, when some of the men claimed the Captain wanted to charge them two dollars for one and witness told them that the U.S. Shipping Commissioner at home would settle that matter.

Saconi, sworn, said he signed on the Annie E. Smale in San Francisco. He went to Aberdeen to load the ship. The Captain promised good food and grog. Later on it began to get shorter all the time. The food was good, but after a hard day's work there was not enough to eat.

His Honour remarked that witness did not look starved. He looked very healthy.

Witness said he was twice the size when he left Frisco.

Larson, sworn, gave corroborative evidence.

Swanson, sworn, said there was no kick coming about the grub, all they wanted was what they were entitled to. Bergenheim also gave corroborative evidence.

Captain Colstrup, recalled, said he gave the men the scale of food. He began to weigh the food after arriving in Shanghai. They had eggs in the morning and chicken for dinner on Sunday. The men had all they wanted to eat.

Dr. Ransom, recalled, said he went on board the ship after the complaints had been made, as the Captain said the crew had been kicking about the food.

His Honour said that Saconi, Wendt and Swanson would be imprisoned for three months. Larsen, Shatzer, and Bergenheim to be detained until they could be shipped and all of them to be paid off.

His Honour said that he intended to make enquiries about the Captain and if he found that he was not giving his crew the full allowance they were entitled to, he intended to take steps with a view to getting his license revoked.

CONSULAR BUREAU
AUG
25
1905
DEPARTMENT OF STATE

No. 24.

Consulate-General of the United States,

SHANGHAI, July 21st, 1905.

Mr. James L. Rodgers, Consul General.

To the Department of State.

Aug 28/05

Subject:

regarding the Return of Mr. James W Davidson to the U. S.

Abstract of Contents.

Informs that Mr. Davidson will return home on July 22nd.

INDEX BUREAU
AUG 28 1905
FILED

No. 24.

Consulate-General of the United States,

SHANGHAI, July 21st , 1905.

Honorable Franics B. Loomis,

Assistant Secretary of State,

Washington, D. C.

Sir:

I have the honor to state that Mr. James W. Davidson, who had been Vice Consul General in Charge of this Consulate General from December 23, 1904 to May 28, 1905, and who shortly after the latter date was stricken with typhoid fever, is now convalescent and in accordiance with the permission of the Department, leaves tomorrow, the 22nd of July, by the Pacific Mail S. S. "Mongolia" for America. It is Mr. Davidson's intention to proceed to his home at Austin, Minn., and later to go to Washington, where at my request he will lay before you and other officials certain matters in connection with the work at this post. I gladly avail myself of this opportunity to thank Mr. Davidson for his valuable work on behalf of this Consulate General, as well as his courtesies to myself.

I have the honor to be,

Sir,

Your obedient servant,

Jas. L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

CONSULAR BUREAU
AUG
31
1905
DEPARTMENT of STATE

CONSULAR BUREAU.
NOTED

No. 4

Consulate-General of the United States,

SHANGHAI, July 25th, 1905.

Mr. James L. Rodgers, Consul General.

To the Department of State.

Subject:

Report of Death

Aug 31/05

Abstract of Contents.

Transmitting report of death of Fernando Ruiz, a Filipino.

IN DIPL. BUREAU
SEP 19 1905
FILED

CHIEF CLERK,
AUG 31 1905
Department of State.

No. 4

Consulate-General of the United States,

SHANGHAI, July 25th 1905. , 190 .

Honorable Francis B. Loomis,

Assistant Secretary of State,

Washington, D. C.

Sir:

I have the honor to transmit herewith form #192 in duplicate showing the death of Fernando Ruiz, a Filippino.

I am, Sir,

Your obedient servant,

AMERICAN CONSUL GENERAL.

Y.W.

Enclosure: Form #192.

[redacted]

(Form No. 192.)

CONSULAR BUREAU.
NOTED

REPORT OF THE DEATH OF AN AMERICAN CITIZEN.

Consular Service, U. S. A.

SHANGHAI, July 24th 1905

Name: Fernando Ruiz

Native or naturalized: Filipino

Date of death: July 17th, 1905

Place of death: General Hospital

Cause of death: Corrosive poisoning. Suicidal.

Disposition of remains: Buried.

Local law as to disinterring remains in case it is desired to bring them home:

None.

Disposition of effects: None.

Address of family: Unknown.

Family notified:

Accompanied by relatives: No.

This information, inventory, accounts, etc., recorded in Miscellaneous Record Book, page

450

Remarks:

Jas. L. Rodgers
Consul General of the United States.

[SEAL.]

(Form No. 209.)

REPORT OF THE DEATH OF AN AMERICAN CITIZEN.

Consular Service, U. S. A.

Number, [illegible]

Fernando Nuño

Religion

Date, [illegible]

Married.

Occupation, [illegible]

Native.

Home.

Children.

By.

ADG

CONSULAR BUREAU.
NOTED.

(Form No. 192.)

REPORT OF THE DEATH OF AN AMERICAN CITIZEN.

Consular Service, U. S. A.

SHANGHAI, July 24th 1905

Name: Fernando Ruiz

Native or naturalized: Filipino

Date of death: July 17th, 1905

Place of death: General Hospital

Cause of death: Corrosive poisoning. Suicidal.

Disposition of remains: Buried.

Local law as to disinterring remains in case it is desired to bring them home:

None.

Disposition of effects: None.

Address of family: Unknown.

Family notified:

Accompanied by relatives: No.

This information, inventory, accounts, etc., recorded in Miscellaneous Record Book, page

450

Remarks:

Jas L. Rodgers

Consul General of the United States.

[SEAL.]

CONSULAR BUREAU
AUG
31
1905
DEPARTMENT of STATE

No. 25.

Consulate-General of the United States,

SHANGHAI, July 29th , 1905.

Mr. James L. Rodgers, Consul General/

To the Department of State.

Subject:

Accounts for the transportation of two prisoners to San Quentin.

Abstract of Contents.

Acknowledging receipt of Dept's despatch concerning the above matter. Informs the Dept. that the matter has been brought to the attention of Mr. Goodnow, & that Mr. Derby, who is now in Japan will be communicated with in the matter.

INDEX BUREAU
JAN 12 1906
FILED

File

CHIEF CLERK,
AUG 31 1905
Department of State.

No. 25.

Consulate-General of the United States,

SHANGHAI, July 29th , 1905.

Honorable Francis B. Loomis,

Assistant Secretary of State,

Washington, D. C.

Sir:

I have the honor to acknowledge receipt of your unnumbered dispatch of June 22, 1905, concerning certain missing accounts in the matter of the transportation of prisoners to California by Messrs Goodnow and Derby in the year 1903. I have brought the matter to the attention of Mr. Goodnow, who claims that he filed his expense vouchers in the Department while in the United States. Mr. Derby is now in Northern Japan and will not return for some months, but I will communicate with him by mail. I am having the accounts checked over in this office and will inform you of the result of our investigation as soon as possible.

I have the honor to be,

Sir,

Your obedient servant,

Jas L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

CONSULAR BUREAU
AUG
31
1905
DEPARTMENT of STATE

No. 26.

Consulate-General of the United States,

SHANGHAI, August 2nd , 1905.

Mr. James L. Rodgers, Consul General.

To the Department of State.

Recd Feb 3 '06

Subject:

Mr. W. P. Boyd's
Application.

Abstract of Contents.

Transmitting application of
Mr. W. P. Boyd for position
as Consular Clerk.

INDEX BUREAU
FEB 5 1906
FILED

CHIEF CLERK,
AUG 31 1905
Department of State.

No. 26.

Consulate-General of the United States,

SHANGHAI, August 2nd , 1905.

Honorable Francis B. Loomis,

Assistant Secretary of State,

Washington, D. C.

Sir:

I have the honor to inform you that I have employed Mr. Wilson Porter Boyd of Missouri, as Clerk at this Consulate General. Accompanying is the formal application of Mr. Boyd, which I hope will fully comply with the instructions in the Department's communication of June 16th. In a former dispatch I have fully advised the Department of my opinion of Mr. Boyd.

I have the honor to be,

Sir,

Your obedient servant,

AMERICAN CONSUL GENERAL.

Y.W.

Enclosure: Mr. W. P. Boyd's application.

filed in Consular Bureau

CONSULAR BUREAU
AUG
31
1905
DEPARTMENT of STATE

No. 27.

Consulate-General of the United States,

SHANGHAI, CHINA, July 27th, 1905.

Mr. James L. Rodgers, Consul General.

To the Department of State.

Subject:

Boycott on American goods.

INDEX BUREAU
SEP 7 1905
FILED

Abstract of Contents.

Reports that the boycott on American goods has begun. Posters & placards are circulated by student class, which has also attempted to incite coolies to refuse to unload American cargo but with no success. Threatening are received by Chinese employes of American firms. Experienced Americans assert that unless foreign influences are brought into play in the interest of trade, this boycott will not last long. Further reports that on the arrival of Hon. W. W. Rockhill, meeting was arranged with Chinese gentry and merchants and the status of the treaty negotiation explained. On May 25, Consul General had a meeting with Chamber of Commerce representatives, at which a promise was given that they would await the work of the plenipotentiaries of the both nations. The matter rested until students took it up. Excited by King's incident, Chamber of Commerce, being forced into the recognition of the matter, on July 11, announced that unless satisfactory assurances as to the completion of a liberal treaty were received, it would support the call for a boycott movement. Every effort has been made to allay the excitement but without success. States in conclusion that the Department will be promptly informed of any condition if necessary by wire.

CHIEF CLERK,
AUG 31 1905
Department of State.

No. 27.

Consulate-General of the United States,

SHANGHAI, CHINA, July 27th , 1905 .

Honorable Franics B. Loomis,

Assistant Secretary of State,

Washington, D. C.

Sir:

I have the honor to report in relation to the boycott now being conducted by the Chinese merchants, gentry and students of Shanghai and outports against American importations of all kinds that while it is proceeding quietly and without disturbance it is nevertheless effective to a considerable degree. The merchants are steadily refusing to purchase American goods offered by American importing firms which have heretofore emjoyed a very large trade and have possessed the confidence of the Chinese; no contracts for future delivery will be considered, and while some American goods are being sold by the Chinese, this is in accordance with the understanding reached by the guilds that all merchants should have the opportunity of disposing of their American products in order that they may not suffer loss when the period for the enforcement of the boycott under the Chinese method comes. In explanation of this it should be stated that the Chinese idea of a boycott, which it is generally understood is always directed by an inferior against a superior, is neither to buy nor sell, to refrain absolutely from any commercial intercourse and thus to express their loyalty to the cause. This method usually carries them to extremes and, while it is not long sustained, secures in China some species of recognition. In

the

the present instance the leaders of the boycott assert that such manifestation of disapproval against the American exclusion law will certainly have the effect of teaching respect for them both at home and abroad, and will result in changed conditions as to the exempt classes under American law and also to the laborers. There seems to be somewhat of a diversity of opinion among the Chinese as to when this manner of boycott will go into effect, but it is commonly reported that four months from the beginning of the preliminary action, which was of the date of July 20th, will be the duration of the probationary period. In that time the merchants hope to dispose of their American goods and be ready if necessary for the entire suspension of commerce with us. Whether this is the programme on the part of the merchants at other open ports in China cannot be stated, but despite protests from some of the more radical classes which are concerned in the movement, it seems to be the accepted rule in Shanghai and in the outports. Thus while some merchants are displaying great reluctance to engage actively in the so-called retaliatory measures, and others are secretly violating the agreement and conniving for its defeat, it is unquestionably true that a serious effort is being made to enforce the plan to the very letter and in the exact spirit. Acts of aggression and public utterances against Americans are frowned upon by the majority, who openly express regret for the apparent necessity but still claim that they must show their loyalty and patriotism.

With the student class and the literati, there is an entirely different attitude, their views and acts being much less conservative and their intentions much more hostile. By books hastily prepared, by pamphlets,

posters,

posters, placards circulated and exhibited broadcast, and by persistent attacks through the press they are doing all possible to render the condition acute, without regard to consequences. They have attempted repeatedly to incite the coolie lighterage organization, which corresponds with the stevedore unions of other countries to refuse to unload American cargo, but up to this time have met with no success in the endeavor, and probably because it is known that a goodly percentage of the American cargo is carried in foreign vessels. However it is not improbable that some such action will be taken, and if it ensues troubles of grave character may arise since others of the laboring classes would hasten to express their sympathy and be easily persuaded to give an exhibition of what the labor of China can do in anti-foreign movement. The authorities (Chinese) are keeping this menace closely in mind and it is to be believed will do their utmost to suppress it.

Not content with their indicated field of operation in such a cause the student class are industriously writing anonymous letters threatening death, ostracism and various other evils to Chinese employes of American firms, and especially to the Compradores thereof. Meetings have been held in Shanghai and other cities of this district, where false statements concerning the American Chinese exclusion law were made, and where incidents like that relating to the K'ing brothers, who are residents of Shanghai, were given in the most garbled form. It is also seen that every Chinese newspaper contains translations of supporting opinion from America, and special attention is given to all public utterances on the question by prominent Americans.

The policy of the American residents of Shang-

hai

hai has been to treat the matter with dignity and good nature -- a course which, although it calls for self sacrifice to some extent, seems wise in view of the fact that argument and persuasion, contradiction and assertion count for nothing with the Chinese in their present state of mind. The effect of this quiet acceptance of the condition as it exists is beginning to be seen in that the students are having a harder time to get material, and the merchants and gentry are beginning to doubt the wisdom of their course and are wondering whether it will not mean humiliation and loss for them. Many Americans of wide experience with Chinese are sanguine as to the result, and assert that unless foreign influences are brought into play in the interest of trade competition there will be no long continuance of this effort. In the meanwhile they hope for a speedy completion of the draft of the treaty, thus proving to the Chinese the truth of the assertions made concerning it, and that there will a satisfactory issue.

However while there may be good reason to believe that there soon will be a cessation of the boycott agitation in Shanghai though the establishment of a good understanding with the principal merchants and because the zest for such a cause will lessen, the great damage the movement has done will be felt by all American firms for months and perhaps years after all is settled at the treaty ports. The news of the boycott is penetrating the interior slowly, but there is evidence that, through the agency of the students, it is taking root everywhere, and that the small merchant who handles American goods and yet never sees their port of entry will discontinue their use and will buy elsewhere. Information as to the lifting of a boycott will travel as slowly,

and

and the restitution of former trade conditions will be much more tardy than the suspension,and especially if the native press is influenced by trade competitors of other nations. Such a condition is not imaginary for there is every evidence that it obtains to some degree at the present time.

I have the honor to report further that upon my arrival in Shanghai I found this question being actively discussed, the Chinese Chamber of Commerce, representing the various guilds, taking the leading part. Upon the arrival of the American Minister to China, the Honorable W. W. Rockhill, a meeting was arranged with the gentry and the merchants, and a full and complete explanation of the status of the treaty negotiations was given. The agitation continued however, and on the 25th of May, at a meeting between the Chamber of Commerce representatives and myself the whole matter was discussed again, the result being that a promise was given that there should be no further discussion of the subject and that they would await with patience and confidence the work of the plenipotentiaries of both nations. There the matter rested until the student class took it up and began active work by correspondence and the press. Supplied with comment from American newspapers, excited by the King incident, the Chamber of Commerce was apparently forced into a recognition of the matter, and on the 11th of July announced that unless satisfactory assurances as to the completion of a liberal treaty were received from Peking, it would support the call for a boycott movement beginning the 20th of July. All attempts to allay the excitement and to correct misunderstandings having failed, the boycott, as it is in evidence in Shanghai, began with

the

the results and conditions as heretofore indicated.

I beg to state in conclusion that I will report promptly by telegraph any condition of which the Department should be so advised.

I have the honor to be,

Sir,

Your obedient servant,

James L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

DEPARTMENT OF STATE,
CONSULAR BUREAU.

SEP - 1 1905

CONSULAR BUREAU

Please return dispatch
[* 27 Aug 31 + 33 Aug 806]
the President Secretary
for information
Ack. Commerce and R's
satisfactory action
on the situation.

CONSULAR BUREAU
AUG
31
1905
DEPARTMENT of STATE

See despatch May 2. 1905
from Shanghai

No. 28.

Consulate-General of the United States,

SHANGHAI, CHINA, August 4th, 1905.

CONSULAR BUREAU
NOTED

Mr. James L. Rodgers, Consul General.

To the Department of State.

File

Subject:

Marriage of Henry Marco &
Agnes Schwartz.

Abstract of Contents.

Acknowledges Dept's #3. Consul General and Dep. Consul General have no knowledge as to Marco's citizenship, but will endeavor to secure the desired information.

INDEX BUREAU
SEP 8 1905
FILED

CHIEF CLERK,
AUG 31 1905
Department of State.

No. 28.

Consulate-General of the United States,

SHANGHAI, CHINA, August 4th , 1905.

CONSULAR BUREAU. NOTED.

Honorable Francis B. Loomis,

Assistant Secretary of State,

Washington, D. C.

Sir:

I have the honor to acknowledge receipt of Department's #3 of June 24th concerning the marriage of Henry Marco and Agnes Schwartz.

In reply thereto, I regret to say that I know nothing about this case. The marriage took place before my taking charge, and Mr. Boyd, in whose presence the said matrimonial ceremony was performed, also has no knowledge as to his citizenship, he being requested to attend it by Mr. James W. Davidson, who was then Vice Consul General in Charge and who is now in the United States.

However I have written to Mr. Marco, asking him to call at this office, but have not as yet heard from him. I will endeavor to find him in order to secure all information I can for the Department.

I have the honor to be,

Sir,

Your obedient servant,

AMERICAN CONSUL GENERAL.

Y.W.

CONSULAR BUREAU
AUG
31
1905
DEPARTMENT of STATE

No. 29.

Consulate-General of the United States,

Shanghai, August 4th, 1905.

Mr. James L Rodgers

To the Department of State.

Ans by form
Sept 7/05

Asked further
July 21/06

To atty Gen
May 9/06

Subject:

Odlum, Geo. T.-Money in the Consular Court.

Abstract of Contents.

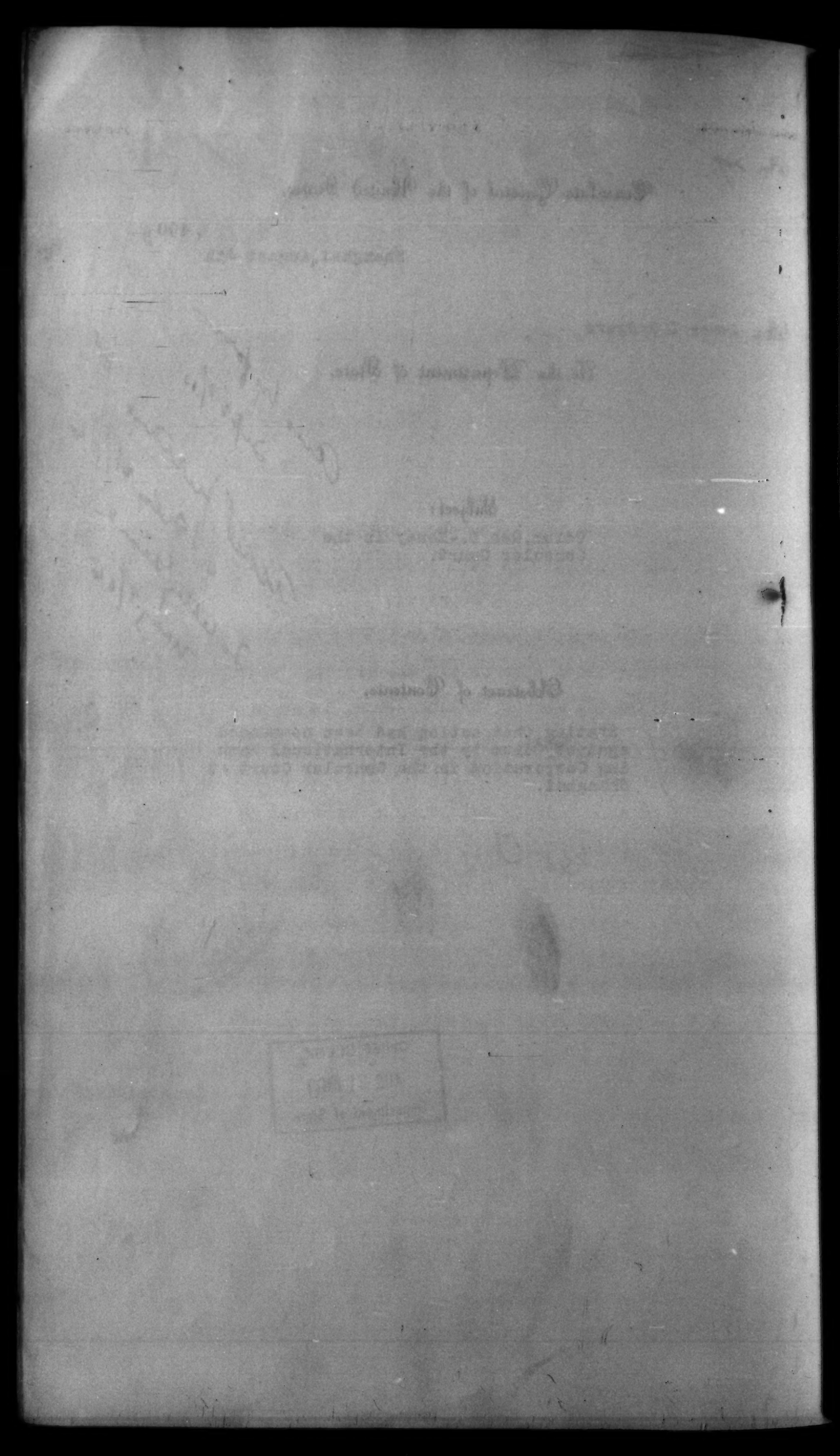
Stating that action had been commenced against Odlum by the International Banking Corporation in the Consular Court at Shanghai.

Geo J

INDEX BUREAU
SEP 4 1905
FILED

CHIEF CLERK,
AUG 31 1905
Department of State.

7



No. 27.

Consulate-General of the United States,

Shanghai, August 4th 1905.

Honorable Francis B Loomis

Assistant Secretary of State,

Washington, D. C.

Sir:

I beg to acknowledge receipt of a communication from the Department of State dated June 21st, 1905, together with enclosures, relative to money in the hands of the Consular Court belonging to George T. Odlum, a United States prisoner at San Quentin, and to inform you that an action has been brought against Odlum by the International Banking Corporation in the Consular Court at Shanghai. The return day will be November 9th.

I have the honor to be, sir,

Your obedient servant,

Jas. L. Rodgers

American Consul-General.

CONSULAR BUREAU
AUG
7
1905
DEPARTMENT of STATE

TELEGRAM RECEIVED IN CIPHER.

CONSULAR BUREAU
DEP'T OF STATE
AUG
5
1905
2ND ASSISTANT SECRETARY

Wired to the Pres. from Dec 'at White House

From SHANGHAI,

Received August 5, 1905, 7:35 A.M.

Substance given to Jones by aaa

Confirm. aaa

Conf Aug 8/w

Secretary of State,

Washington.

Chinese Chamber of Commerce Shanghai very anxious to stop boycott. Injuring trade generally. Students responsible for continuance.

RODGERS.

DEPARTMENT OF STATE
AUG 5 9 35 AM 1905
CHIEF CLERK'S OFFICE

INDEX BUREAU
AUG 9 1905
FILED

Deciphered by the Chief Clerk's Office, August 5, 9:20 A.M.

CONSULAR BUREAU
AUG
31
1905
DEPARTMENT of STATE

No. 4

Consulate-General of the United States,

SHANGHAI, CHINA, August 5th , 1905.

RECEIVED
AUG 28 1905
DEPT OF STATE

Mr. James L/ Rodgers, Consul General.

To the Department of State.

Subject:

Law Reports.

Abstract of Contents.

Reporting 2 police cases.

Transmitting reports of various consular court cases

CHIEF CLERK,
AUG 31 1905
Department of State.

INDEX BUREAU
SEP 5 1905
FILED

No. 4

Consulate-General of the United States,

SHANGHAI, CHINA, August 5th , 1905.

Honorable Francis B. Loomis,

Assistant Secretary of State,

Washington, D. C.

Sir:

I have the honor to transmit herewith accounts (in duplicate) of the Police cases against Geo. Young and John Gabretta, respectively.

I am, Sir,

Your obedient servant,

AMERICAN CONSUL GENERAL.

Y.W.

Enclosures: Accounts of 2 police cases.

AMERICAN CONSULAR COURT.

Shanghai, 2nd August.
Before the Hon. James L. Rodgers, Consul-General.

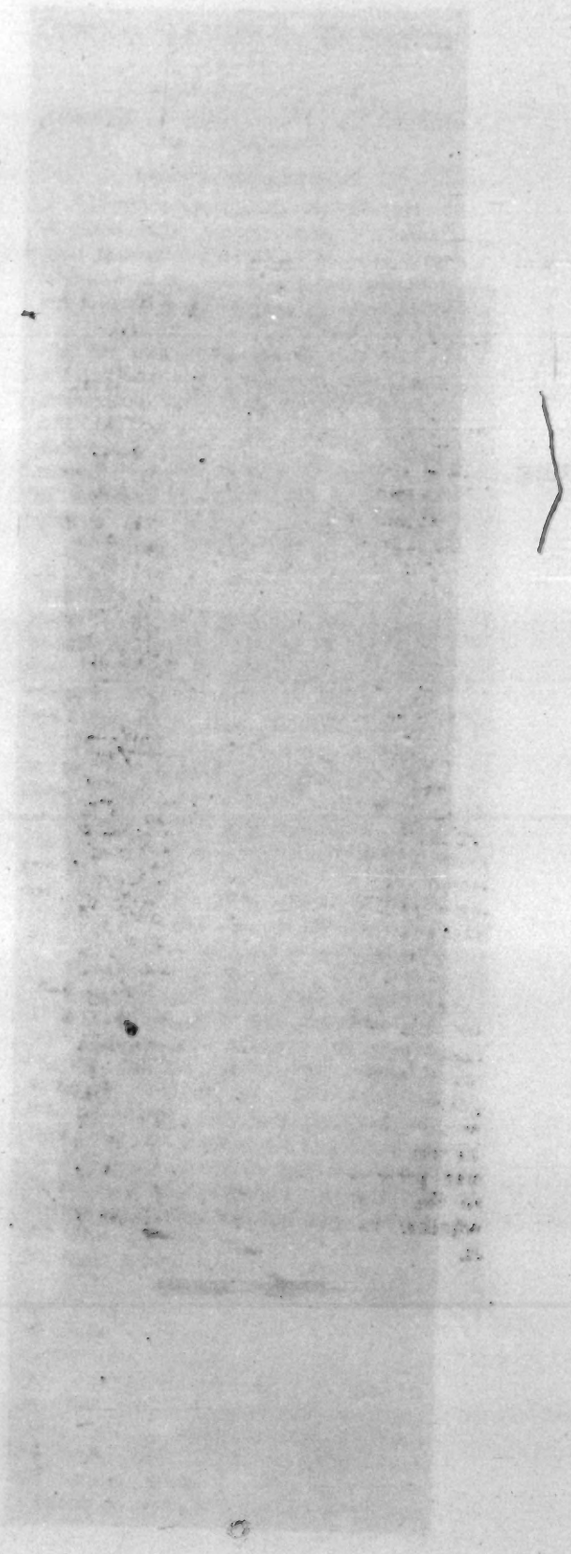
A FEW TOO MUCH.

Geo. Young, Acknowledgment was charged with being drunk and incapable in the Market Road at 10.50 a.m. the 1st inst.

Inspector Bourke stated that the accused was found in the Market Road at the time stated in a drunken condition by a native constable who had him placed in a rickshs and taken to the station. He had been locked up before, but had been let out the following morning. As he had no means of support, witness thought it best to bring him to the Consulate.

Accused said he had only come out of hospital on Monday and yesterday he met some friends and had a few drinks, and he must have taken a peg too much. He had been in the East since 1897 and was at present out of employment and was now trying to get some work. He would like to stay in Shanghai if he could get a job.

His Honour said accused would not be able to get work if he was continually drunk. The Vice-Consul had sent him to the Sailor's Home, but accused could not be kept by the Consulate for an indefinate period until he got work. On this occasion accused would be dismissed with a caution, but he was to go and see about a job that was promised him, and to come back to the Consulate at once and report whether he had succeeded in getting it.



AMERICAN CONSULAR COURT.

Shanghai, 3rd August.

Before the Hon. JAMES L. RODGERS, Consul-General

WANTED A SMALL DRINK.

John Gabretta, engineer of the U.S.S. Nanshan, was charged with being in possession of a loaded firearm at 11.15 p.m. the 2nd inst. while in a drunken condition, contrary to Land Regulation No. XXXVII.

Inspector Bourke said that the accused was drunk last night and had the revolver (produced) in his possession. The revolver was fully loaded at the time, and it was a very dangerous practice for people under the influence of liquor to have loaded firearms in their possession, which was strictly forbidden by the Land Regulations.

Det. Sergt. Kingston said that at about 11 p.m. yesterday a telephone message was received at the Station from the Concordia Hotel in Boone Road saying that a foreigner was there drunk and flourishing a revolver about. Witness went to the hotel and found accused drinking beer at the Bar and holding a loaded revolver in his hand. Witness saw that accused was drunk and took him in charge.

Accused said he was an engineer of the U.S. collier Nanshan. He was a British subject and had joined the ship in Shanghai. He was a little drunk last night, but he knew what he was doing. He had to go on watch at twelve o'clock and he always took the revolver with him to the engine room as a protection against the Chinese with whom he did not get on very well. He had no occasion to use the gun, but when he got ready to go on watch, he saw that he had a few minutes to spare, so he slipped ashore to have a small drink. He had the gun in his pocket so as to be all ready to go into the engine room when he went back on board.

His Honour said that accused had no right to carry a revolver while on board ship or ashore. He would be fined the limit, $10 Mexican. Accused to be sent on board and the revolver handed over to the commanding officer of the ship. And the next time accused came ashore he had better leave his firearms on board.

CONSULAR BUREAU
AUG
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DEPARTMENT of STATE

CONSULAR BUREAU.
NOTE

No. 4

Consulate-General of the United States,

Shanghai, China, August 5th, 1905.

Mr. James L Rodgers

To the Department of State.

Subject:

Death of Q. Ignacio

Ans by pm Sept 13/05

Abstract of Contents.

Enclosing report.

CHIEF CLERK,
AUG 31 1905
Department of State.

CONSULAR BUREAU
SEP 13 1905
FILED

No. 4

Consulate-General of the United States,

Shanghai, China, August 5th., 1905.

Honorable Francis B. Loomis

Assistant Secretary of State,

Washington, D. C.

Sir:

I enclose herewith a report upon the death of Q. Ignacio, a Filipino, at Shanghai.

I have the honor to be, sir,

Your obedient servant,

Jas. L. Rodgers

American Consul-General.

Deputy Clerk of the Privy Council,

Ottawa, Ontario, August 6th, 1908.

Sir,

I enclose herewith a report upon the boats of Kitsilano Point, Vancouver, B.C.

I have the honour to be, Sir,

Your obedient servant,

Assistant Superintendent.

CONSULAR BUREAU.
NOTED

(Form No. 192.)

REPORT OF THE DEATH OF AN AMERICAN CITIZEN.

Consular Service, U. S. A.

SHANGHAI, August 4th.,1905 190

Name: Q.Ignacio

Native or naturalized: Filipino

Date of death: July 23rd,1905

Place of death: Shanghai

Cause of death: Meninigitis Acuta

Disposition of remains: Buried

Local law as to disinterring remains in case it is desired to bring them home:

None

Disposition of effects:

Address of family: 24 Woosung Road

Family notified: Yes

Accompanied by relatives: Yes

This information, inventory, accounts, etc., recorded in Miscellaneous Record Book, page 453

Remarks:

Age 1 year

Jay L. Rodgers

Consul General of the United States.

[SEAL.]

REPORT OF THE DEATH OF AN AMERICAN CITIZEN.

Consular Service, U. S. A.

Manila, P.I., August 4th, 1903.

No. 1,500.

Sir:

I have the honor to report the death of an American citizen, as follows:

Name: Frank Hall.

Age: 1 year.

Sex: Male.

Nativity: Manila, P.I.

Residence: Manila, P.I.

Occupation: None.

Date of death: July 30th, 1903.

Cause of death: Cholera Infantum.

Duration of illness: 2 days.

Where buried: Manila, P.I.

Remarks: None.

I have the honor to be, Sir,

Your obedient servant,

[illegible]

Consul.

The Secretary of State,

Washington, D. C.

CONSULAR BUREAU.

(Form No. 192.)

REPORT OF THE DEATH OF AN AMERICAN CITIZEN.

Consular Service, U. S. A.

SHANGHAI, August 4th.,1908 190

Name: C.Ignacio

Native or naturalized: Filipino

Date of death: July 23rd,1908

Place of death: Shanghai

Cause of death: Meninigitis Acuta

Disposition of remains: Buried

Local law as to disinterring remains in case it is desired to bring them home:

None

Disposition of effects:

Address of family: 24 Woosung Road

Family notified: Yes

Accompanied by relatives: Yes

This information, inventory, accounts, etc., recorded in Miscellaneous Record Book, page 455

Remarks:

Age 1 year

Jas L. Rodgers

Consul General of the United States.

[SEAL.]

CONSULAR BUREAU
AUG
31
1905
DEPARTMENT of STATE

No. 4

Consulate-General of the United States,

SHANGHAI, CHINA, August 5th, 1905.

Mr. James L. Rodgers, Consul General.

To the Department of State.

Sept 21.07

Subject:

Law Report.

Abstract of Contents.

Reporting the case of Shanghai-Hongkong Building, Loan and Investment Co. v. Harold Dwight Basset.

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CHIEF CLERK,
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Department of State.

No. 4

Consulate-General of the United States,

SHANGHAI, CHINA, August 5th , 1905.

Honorable Francis B. Loomis,

Assistant Secretary of State,

Washington, D. C.

Sir:

I have the honor to enclose herewith Court proceedings (in duplicate) in the case of the Shanghai Hongkong Building, Loan and Investment Co. Ld. v. Harold Dwight Basset.

I am, Sir,

Your obedient servant,

Lester L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

Enclosure: as indicated.

AMERICAN CONSULAR COURT.

Shanghai, 18th July.

Before the Hon. JAMES L. RODGERS, Consul General and Assessors.

SHANGHAI-HONGKONG BUILDING, LOAN AND INVESTMENT CO. LD. V. HAROLD DWIGHT BASSETT.

Mr. G. A. Ohlinger appeared for the plaintiff company and Mr. F. M. Brooks for the defendant.

The following are the pleadings in the above case:—

PETITION.

The petition of the plaintiffs in the above entitled suit shows:—

1.—The plaintiffs are a British Corporation, duly organized under the Ordinances of the British Colony of Hongkong, and doing business, among other places, in the City of Shanghai, China, and the plaintiffs are the successors and assigns of the Shanghai-Hongkong Building, Loan and Investment Co., Limited, with all the rights, powers, and liabilities of said Company, also duly organized under the Ordinances of Hongkong, as a going concern. For the purposes of this suit plaintiffs submit to the Jurisdiction of this Court.

2.—The defendant is an American citizen at present within the Jurisdiction of this Court.

3.—The defendant holds in trust for the plaintiffs the sum of Singapore $15.056.06. The said sum is payable to the plaintiffs on their demand, and is subject to no personal or other use of defendant whatsoever, as is evidenced by a written agreement between defendant and the Shanghai-Hongkong Building, Loan and Investment Co. Limited, which said agreement has been taken over by the plaintiffs and that at the time said money was allowed by the defendant has been renewed and was in force. The defendant also holds subject to the same condition in the same capacity receipts signed by the plaintiff for sums aggregating S. $9,300.

4.—Plaintiffs have demanded of defendant payment of the money and return of the receipts described in the preceding paragraphs; but defendant has refused and does still refuse to make such payments and return.

Wherefore plaintiffs pray that defendant be ordered to pay to plaintiffs the sum of S. $15,056.06 or its equivalent in U. S. currency, together with interest and to return the receipts set forth in paragraph 3 above and to pay the costs of this suit. And the plaintiffs pray that they may have such other and further relief as to this Court shall appear just.

ANSWER.

Now comes the defendant Harold Dwight Bassett and for answer to plaintiffs' petition on file herein admits, denies and alleges.

1.—Admits the allegation in paragraphs 1 and 2 in plaintiff's petition.

2.—Defendant denies that he holds in trust for plaintiffs the sum of fifteen thousand and fifty-six dollars and six cents ($15,056.06) or any other sum, but defendant alleges that fact to be that he has collected on behalf of plaintiffs the sum of $13,348.16 under and by virtue of a written contract dated January 1st 1903, said contract being in force during all the time mentioned in plaintiffs' petition.

3.—Defendant alleges that on or about the 1st day of April 1905 while the manager of plaintiffs and defendant were both in Penang, Straits Settlements, there arose a dispute over the construction of such contract, and that the plaintiff and defendant submitted to arbitration said questions in dispute.

A copy of said submission being hereto annexed and marked exhibit A.

6.—That thereafter, to wit, on April 1st 1905, the arbitrator agreed upon by said defendant and plaintiff deciding that said defendant was entitled to an annual salary of $2,000 gold and further to a commission of sixty per cent. according to the terms of said contract.

A copy of said award being hereto annexed and marked exhibit B.

5.—That thereupon said plaintiff agreed to pay to said defendant said amount according to the terms of such award, but although many times requested so to do has utterly failed to pay the sum or any part thereof.

6.—That the plaintiffs are indebted to defendant in the sum of $163.64 for advertising expenses and printing expended on behalf of plaintiffs by defendant at plaintiffs special interest and request.

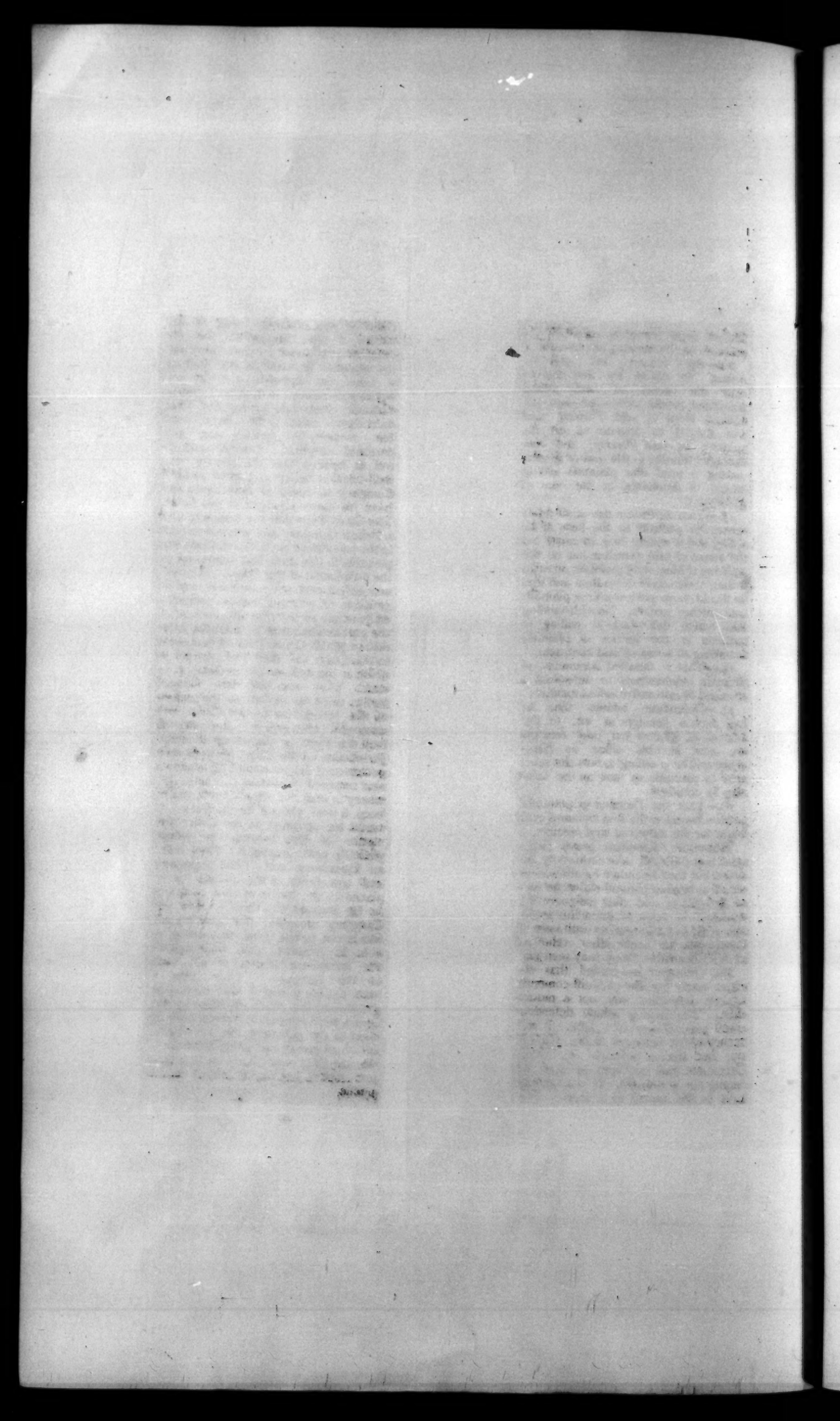
7.—That plaintiffs are indebted to defendant for commission in the sum of $720 being commission on certificate sold to Cheng Mo Tseng.

8.—That plaintiffs are indebted to defendant in the sum of $900 bonus as agreed in writing.

9.—That plaintiffs are indebted to defendant in the sum of $240 renewals.

10.—That plaintiffs are indebted to defendant in the sum of $1000 more or less, expenses from Singapore to Shanghai and expenses in Shanghai according to written agreement by and between said parties hereto.

11.—That plaintiffs are indebted to defendant in the sum of $90 being an error in plaintiffs account repayment on certificates 7019 Tan Kin Hook as per plaintiffs statement No. 314, also referring to plaintiffs letter No. 37, March 7th, 1904, which de-



fendant begs leave to introduce in evidence on the hearing of this case.

12.—By reason of plaintiffs refusal to abide by and comply with the terms of said award mentioned herein defendant was left without funds in said Penang and was obliged to dispose of all his property in said Penang, and was damaged thereby in the sum of $2,000 making a total that plaintiffs are indebted to defendant in the sum of $18,873.35.

13.—That defendant has at all times served the plaintiff to the best of his ability and is willing now to carry out the terms of said contract but on the 29th day of May 1905 plaintiffs served a written notice upon defendant and that he should do no more work for plaintiffs until further orders. Notwithstanding said notice defendant is willing to continue in the service of plaintiffs according to terms of said contract.

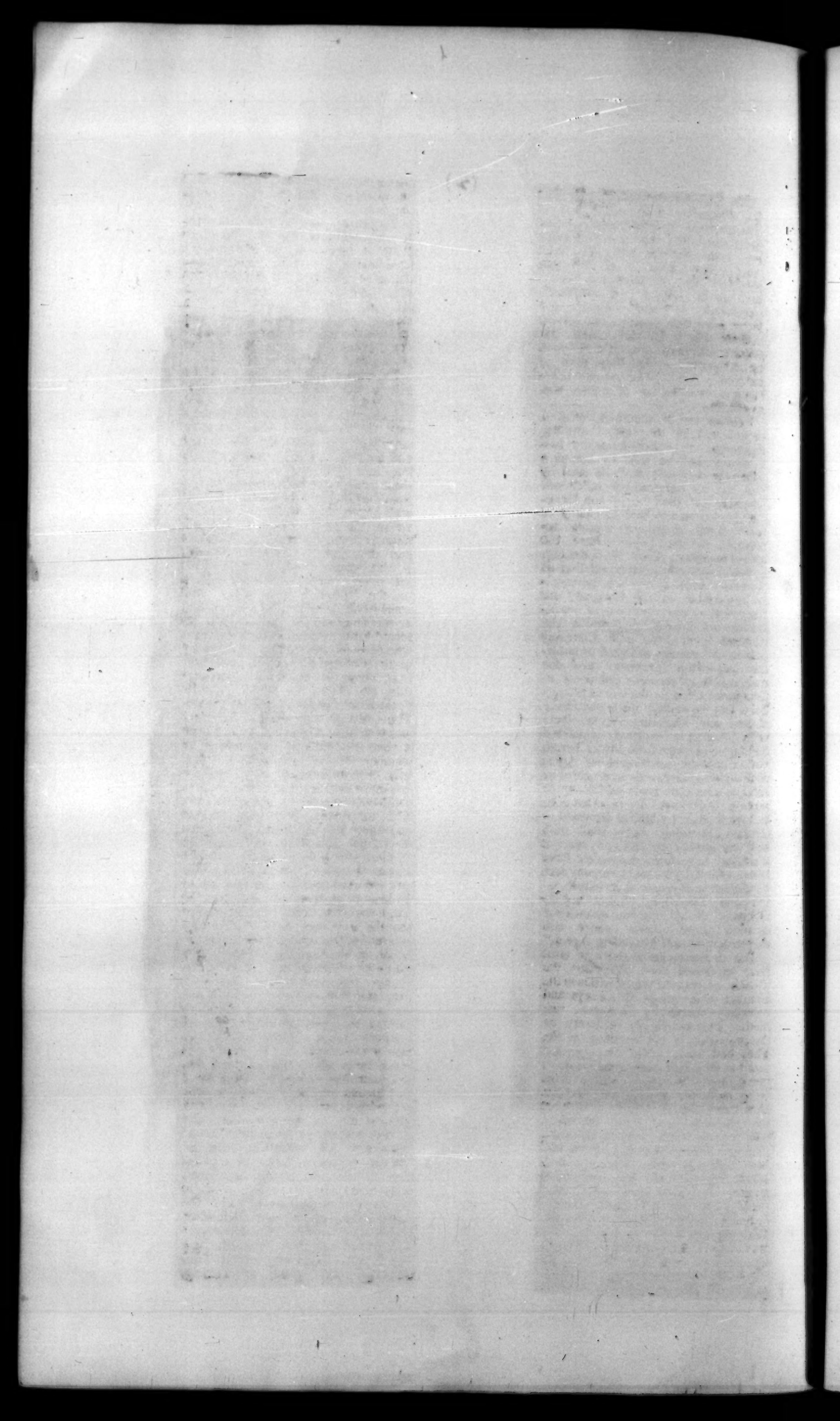
14.—That a detailed statement of plaintiffs indebtedness to defendant is attached hereto and marked exhibit C.

15.—Defendant admits that he has certain receipts to wit, to the amount of $8,000 but said receipts are now in his office at Singapore and he is willing to turn the same over to plaintiffs as soon as the same may be obtained.

16.—That the Demand in plaintiffs' petition herein is the first Demand ever made for the return of said receipts.

Wherefore defendant prays judgment that plaintiffs take nothing by his action but that defendant be allowed to set off as against plaintiff claim the sum of $18,963.35 and that judgment be rendered in favor of defendant in the sum of $5,615.19 together with costs of Court and for such other relief as to this Honorable Court may seen just.

Mr. Ohlinger contended that the claim made by the plaintiff company against defendant was not a mutual debt. The money which defendant owed plaintiff was not a debt. It was money which belonged to the plaintiff and had always belonged to them. Defendant had no right to hold the money for a moment. It was money held in the nature of a trust. The claim of the plaintiffs being of that nature it was impossible for the defendant to come to that Court and try to upset a claim of that kind by a claim for damages and for unliquidated salary and other claims. Counsel therefore contended that defendant could not have used the money in question for any personal purposes. Counsel preferred to believe that the money was held back in order to compel plaintiff Company to come to that Court and have his claim adjudged in this Court. The Court knew that the company was a British Company and was not subject to the jurisdiction of this Court. However plaintiffs in this case had submitted to the jurisdiction of this Court. But that was only a common expression used in petitions. Of course it was an established principle of law that the consent of the parties was required to confer jurisdiction on this Court. Plaintiff had come to this Court and they had agreed to abide to the decision of this Court as to costs. That was all that Counsel had to refer to so far as the nature of the jurisdiction of this Court was concerned. However no other plaintiff had the right or the power to confer Jurisdiction on this Court which its own government did not confer. The provision required defendant to hold the money in trust for the plaintiffs and to keep it until plaintiff demanded it. It would be apparent to the Court the nature of the business in which plaintiffs were engaged. They were an Investment and Trust Company and the funds of the people were placed in the hands of this company to be invested by them. Now the Company occupying that position towards the public must necessarily be able to demand from their agents the immediate transfer of all funds to the company. They were a trust company and if the impression got abroad that the funds taken by the agents were not passed immediately by them to the company for the purpose for which people had paid their money, the company was liable to damages and stood to lose the confidence of the public.



Mr. Ohlinger, continuing, said that the company's head office was in Shanghai and defendant was engaged to represent the company in Singapore —a great distance from the head office which made it all the more necessary that all moneys collected by agents should be forthwith transmitted to the company for investment. The contract of service between the defendant and the plaintiff company was relied upon by both parties, so that they were on common ground. The provision relating to the collection of monies was as follows:—

"All monies or securities received or collected by the said Travelling Agent for or on behalf of the said Company shall be held by him as a fiduciary trust and shall be used by him for no personal or other use whatever but shall be by him immediately paid over to said Company or to the local or general agents appointed at the point where the said Travelling Agent is operating, it being distinctly understood that as the said Travelling Agent is personally responsible to the Company for the collection and remitting of instalments, said Travelling Agent is the personal Agent of the said Company and that all moneys collected or instalments under this agreement are due and payable to the said Company at their Head Office in the city of Shanghai unless the said Company shall have notified said Travelling Agent otherwise. And it is expressly stipulated and agreed between the parties hereto that in case the said Travelling Agent shall withhold any funds certificates or receipts after such funds certificates or receipts should have been reported upon and transmitted by him as aforesaid or the said Travelling Agent shall with hold any funds certificates or receipts after they have been demanded from him in writing by the said Company such dereliction shall work a forfeiture to the said Travelling Agent unconditionally of all claims whatsoever accrued or to accrue under this Agreement to said Travelling Agent."

The circumstance of the case must have impressed upon the Court the absolute necessity of this provision in the contract which made all moneys and securities collected by the agents trust funds. This was simply necessary for the protection of the investing public. They had made other arrangements now but they must have some means of preventing this trust money from being used for any other purpose. Now there was a difference between the plaintiffs and the defendant with regard to the amount collected. Plaintiffs alleged that $15,056.06 had been collected while defendant only admitted $13,348.16. This was simply a matter of book-keeping and Counsel would submit that the matter be referred to an accountant or referee. With regard to the question of a set off, Counsel maintained that defendant's attitude with regard to the contract effectually barred him from presenting any set off. One of the principles of the doctrine of set off was that there must be mutuality between the demands sought to be set off against each other. In the present case not only was there no such mutuality but the very language of the contract forbid defendant from balancing his own claim against that of the plaintiffs. If the Court was with him on the point of a set off, Counsel would make a motion for the matter to be referred to a referee, otherwise Counsel would proceed to make answer to the other points contained in the petition.

Mr. Brooks said that he would be able to show that this alleged trust fund had been in the possession of the defendant since he began business and with the consent of the Company defendant had collected this money and used it. He had made reports from time to time of the collection of these moneys and had obtained receipts from the Company for them. Defendant's answer set forth his defence. The answer was in the nature of a set off. Counsel contended that the defendant had the right of counter-claiming if his claim had accrued from the same transaction. With regard to the question of salary and commission defendant was in Penang at the time and the question was referred to the arbitration of a gentleman who occupied the position of manager of the Chartered Bank—a gentleman from whom they could not expect anything else than a fair decision, and he decided in favour of the defendant. The question was whether defendant was entitled to a salary of gold $2,000 a year in addition to a commission or whether he was entitled to a salary only or a commission only, and the arbitrator decided that defendant was entitled to both salary and commission. This controversy had been decided according to the British Arbitration Act. Being a long way from the mother country, and where jurisdiction was so incomplete, this Arbitration Act was enforced and the decision of an arbitrator was made as binding as the judgment of the Court. Counsel denied that the defendant held the money in trust. He had collected the money on behalf of the company by virtue of a clause by which the contract might be changed from time to time. Defendant was entitled to the money due him and had tried to get it. He was therefore entitled to a set off. The plaintiff company had no right to hold this money which was due for salary and which the arbitrator had decided that defendant was entitled to. Ddefendant had always contended that he was entitled to a commission which had been allowed him by the arbitrator. Out of this commission defendant paid all sub-agents and travelling expenses. He was responsible for all his acts and also all the acts of the sub-agents. This arrangement put the company to no expense whatever and the company took no chances. Defendant was entitled to 10 per cent commission on renewals and there was something like $40,000 of renewals. This controversy took place in Penang,

Defendant had to claim his salary because he was in need of money at the time. Mr. Ross, plaintiff's manager, then proposed to settle the matter in Singapore. If defendant had known that Ross would not have fixed the matter in accordance with the arbitrator's award he would have sued the plaintiffs in Penang. That was the reason why defendant had not sued the company for some time. When defendant came here he found that the British Court was in vacation and Mr. Ross told him that he could not afford to sue the plaintiff company here. Defendant was authorized in writing to expend a certain amount for advertising. There should be a set off against this as the matter accrued out of the same transaction. It would be shown that in order to incite him to greater efforts, defendant was promised a bonus. The commission on renewals were now due and payable. Plaintiffs then wrote to the defendant to come to Shanghai and defendant for reasons involving the good of the Company, could not come then unless his expenses were paid and he wired to the plaintiffs to that effect. Defendant always served the plaintiff company to the best of his ability and notwithstanding the notice defendant had the right of continuing to serve the company. Defendant was ready to return the renewal receipts but they had not been brought up from Singapore. The receipts were in the hands of the agents of the company. They were useless to the defendant unless he was still connected with the plaintiff company. Counsel wished to know what his friend meant by the statement in the petition that plaintiffs had submitted to the jurisdiction of this Court for the purposes of this suit. Counsel thought that plaintiffs would submit to the jurisdiction of this Court in all matters appertaining to this suit. Counsel wished this point to be decided now so that if plaintiffs did not abide by the decision of this Court and if the Court found that defendant had collected $13,348.16, to leave out a certain amount of the counter-claim so that defendant could follow the plaintiffs to the British Court for the balance. Counsel doubted if this Court could enforce any judgment against the defendant.

Mr. Ohlinger was of opinion that even if the parties had submitted to its jurisdiction, the Court could not enforce its judgment, as no party had the power to give jurisdiction to the Court.

After some further discussion the Court decided to hear the evidence of a counterclaim.

Mr. Ohlinger then put in the original of the contract entered into between the plaintiffs and the defendant.

Mr. Brooks admitted that this contract was in force during the whole of the time of the plaintiffs' allegation and the defendant's answer.

Mr. Ohlinger would not admit this as the contract had been changed with the consent of the parties.

A. B. Ross, sworn, stated that he was the general agent of the plaintiff company. His relation with the defendant had been that of an employer and employee. Defendant had been employed by the plaintiffs since January 1903. During the subsistence of this contract there had been five payments made to the defendant by way of salary. The term salary was used as a general expression. They called it advances and many times they called it salary in order to get at the word easily. In their correspondence they called it both by the term "salary" and "advances," but its real nature as fully understood by the defendant was that of a commission.

Mr. Brooks said that there was nothing in the pleadings with regard to the question of salary. The pleadings only claimed for money received on trust. Counsel would be able to show that the question of salary had been adjudicated upon and was entirely settled.

Mr. Ohlinger said that he would be able to show that the matter had not been adjudicated upon as his friend had alleged. He would reserve his right to call evidence in rebuttal.

The Court sustained the objection.

Witness, continuing, said that there was a claim of $15,056.06 made in the petition, against the defendant. Witness had compared the defendant's statement with the company's account books and save some minor errors it was correct. The final statement of account had been presented and on the face of it it seemed correct. At no time had it been admitted that defendant had the right to hold money belonging to the company. Defendant had overdrawn his account several times and his attention had been called to it. Witness had asked defendant for a statement of his account so that witness could check it, but witness had never been able to get a complete account from the defendant. All his accounts were partial. Defendant was most unsatisfactory in the matter of accounts. The contract produced was the original contract made with the defendant.

Cross-examined—The letters E. & O. E. which appeared in defendant's account was a stereotyped form here. It stood for "Errors and Omissions Excepted." Ninety-nine cases out of a hundred, when defendant made a claim, they had found it wrong. Witness admitted that the contract was in force up to 1st January, 1905. Since then defendant's agency had been suspended. Witness found that it was not possible to continue with the old contract. As regards the original contract they could not help themselves and had to make defendant their manager in the Straits Settlements.

Re-examined—The contract was dated the 1st January 1903 and was for one year. When January, 1904 came no change was made, but there had been some modifications made in letters. From January this year they refused to accept any more new business through defendant. He was the Company's agent acting under the old contract. (Some letters were here put in with regard to some changes in the contract.)

Mr. Brooks then called.

Harold Dwight Bassett, who after being sworn, stated that there had been no change made in his contract with the plaintiffs. There had been a proposal to change the commission but it had not been accepted by him. The contract provided for a salary of $2000

gold and a commission of 60 per cent on new business. This commission was always paid out to sub-agents and brokers. He had never received it. Witness wrote to the plaintiffs to keep back his salary as he wished to purchase some founder shares. When Mr. Ross met witness in Penang he said that the contract must be modified and that witness had overdrawn his salary. (Witness here related how the question whether he was entitled to a salary and commission was referred to arbitration in Penang and he identified all the documents connected therewith.) Witness was entitled to a commission of 10 per cent for every renewal of business. When witness was enployed in Hongkong he received his salary either by cheque or he paid himself with moneys received at that office. He had a letter from the Company authorizing him to draw as much money as he needed. Witness never got his founder shares because Mr. Ross said that he was not entitled to any salary. The renewal receipts were in the hands of the Company's representative in Singapore. $13,348.16 was all that witness had collected. Witness once wrote to the plaintiffs that he did not have the money when required and that they had better get another man out. They replied that they did not understand that they had to remit the salary as well as the commission. They had not been instructed to do so. After this witness drew what money he required and reported it to the head office. (Witness here explained all the items of his account). Mr. Ross was in Penang after the award was given and they left Penang with the intention of arranging the matter in Singapore. He came to Shanghai at Mr. Ross's instruction. He had been maintaining an office in Singapore all the time.

At this stage the Court adjourned till 2 p.m.

Resuming at two o'clock, Mr. Bassett was examined in regard to further documents. He said it was in September 1902 that he went to New York after having seen Mr. Ross in Cincinnati. He met Mr. Ross in New York and he said he wanted to take two men to China and was willing to pay $2,000 gold per year. The preliminary agreement was made; the salary to be $2,000 gold a year and commission. Witness produced the agreement. When he came to Shanghai he had drawn from the Company $500 gold, but $500 of that was soon made up by commission. Witness let his salary stand until it was sufficient to buy founder shares in the Company. After the arbitration award was given to witness Mr. Ross said he would settle up then if witness would accept $2,000, provided he would waive all other claims on the Company.

Cross-examined—Witness came up to Shanghai in June, 1903 and the matter of account was brought up then. The account was in such a state that he was bound to come to Shanghai and straighten it up. He did not think salary was ever credited on any of the accounts, and he never made a request for salary. When he was in Hongkong he and his partner retained the sum of $300 or $400 each month from the commission.

Mr. Ohlinger said the salary was a guarantee and as soon as the sum of $2,000 gold was earned no salary was paid, but if Bassett earned more than $2,000 gold commission he got the benefit of the extra amount. No salary had been mentioned in the accounts for the past two years and no objection was made by Bassett.

Mr. Brooks said he was willing to take it prima facie, that the accounts were correct, but they did not have anything to do with the salary. There was before the Court the submission on the construction of this contract, the submission to arbitration by Mr. Ross and agreed to by Mr. Bassett. That submission covered this very point as to whether Mr. Bassett was entitled to a salary and commission or a commission only. The Court could not go behind an award of that kind which stated that Bassett was entitled to a certain salary and commission.

His Honour said he thought the Court could end this point at once. It would be duly considered by himself and the assessors.

The cross-examination was continued. Witness was taken through a large amount of correspondence with regard to his overdrawing his account. Witness stated he had never had any of the founder shares made over to him.

The Court adjourned until 10 a.m. next day.

Shanghai, 19th July.

On the case being resumed this morning Mr. Ohlinger continued his cross-examination of the defendant, Mr. Bassett. Witness read a letter from the plaintiffs dated April 21st asking him to go to Shanghai. In reply witness stated that he would not go unless they allowed him £50 expenses in addition to his hotel charges. The letter from plaintiffs also stated that they had consulted their solicitors with regard to salary and they were of opinion that if the case was taken to arbitration a decision would be given in their favour. They enclosed a statement of such credits that had been allowed witness every quarter of the first year on commission, the total amount of which was $2,000 gold viz: Singapore $4,516. On the question of the salary the letter stated that witness must have been acting under a wrong impression as to his preliminary agreement and that salary was charged against commission. Witness replied to this that he didn't agree that he was acting under a wrong impression and said he could not listen to any attempt to go behind the award of the arbitrator and asked for remuneration up to the time of his services. The plaintiff's wired a reply to this letter on June 7th "We guarantee passage expenses both ways."

Mr. Ohlinger—You got a return ticket from Singapore to Shanghai? What was the cost?

Mr. Brooks—I object to that question. He asked to be allowed £50 and they said 'yes.' This was absolutely guaranteed by his telegram.

Mr. Ohlinger—We don't deny that £50 was allowed as expenses.

His Honour said they would take that point into consideration afterwards.

Mr. Ohlinger—What was the cost of your ticket?—In the German mail it would be more than £50.



What is the regular rate for a first class ticket?—£12 single, £18 return. Witness's hotel expenses in Shanghai were $20 a day.

He stayed at the Hotel des Colonies. That amount included board, lodgings, fans, baths, and anything else that might be necessary.

Mr. Ohlinger was proceeding to question witness as to whether the $20 was for himself alone or for his wife also.

His Honour—I don't think there is any need to go into that.

Mr. Ohlinger—I think it is excessive. His wife is not connected with the company.

Witness, continuing, said that the claim under clause 6 was for advertising expenses for the last two years. (At Mr. Ohlinger's request witness promised to give the itemised amounts.) With regard to the claim of $1,900 as bonus under clause 8 of the answer witness said that was arranged in a letter by the company on October 16th 1904, the bonus to be according to the amount of business done. Witness had since then produced over $1,500 shares and for that amount the bonus should be at the rate of 5 per cent.

Mr. Ohlinger questioned as to whether witness had only made out a statement showing $1,485. It was a question which would have to be verified from the books. The company were willing to pay on the amount returned up to April 30th and if it was agreeable he would suggest that the books be examined.

Mr. Brooks—I am willing to do that but it takes up so much time. Unless it is contradicted I submitt that the Court shall take witness's statement.

His Honour—That is a question of fact and it seems it can be decided very easily by referring to the books.

Mr. Ohlinger (to witness)—Did you ever overdraw your account during 1904?—Probably, quite possibly.

Had you any authority?—I only have the letters that I have shown to you from the company. (A letter was handed to witness from plaintiffs which he read) That, said witness, bore out his statement. It set forth that he must not overdraw any more than $1,500 as an emergency fund. He replied to that letter that the company was owing him money—on the top of $1,500 he received $4,000. (Letter read) Witness admitted having overdrawn to the extent of $4,000.

Mr. Brooks—We admit having had this money. We cannot have it and spend it at the same time. It was expended on the company's business.

Witness stated that when Mr. Ross was in Penang he wrote him a letter saying that he was without funds and that for him to go to Singapore it would be necessary for him to use the company's money. He therefore asked for written authority to do this but Mr. Ross put him off and he did not get written authority.

Mr. Ohlinger—Did you receive an authority to draw $250?—No.

Didn't you state that to me in my office?—No certainly not.

The cross-examination was then concluded and His Honour enquired of witness as to a letter which had been mentioned that witness wrote to the company in respect to the matter of salary.

Witness said he could give the date of that letter, but he hadn't the actual copy. The plaintiffs had it.

Mr. Ohlinger—It will be produced.

Mr. A. B. Ross was recalled and the letter was produced.

Answering His Honour, witness said that defendant was in the employ of the Company until he violated the orders of the company.

Mr. Brooks—What orders did he violate?—He failed to come to Shanghai, and he had taken funds that belonged to the Company.

Where?—In Singapore.

Were you there at the time?—No.

Why didn't you have him arrested?—Simply for the reason that we were friends.

Your solicitors advised you would win?—Yes.

Then you went and signed this statement to arbitration?—Yes.

And signed it in good faith?—I told him at the time I signed it on the distinct understanding that if it was necessary I should appeal.

Did you appeal?—We appeal now.

Then instead of having Mr. Bassett arrested for having converted to his use trust funds you went to your solicitors and found out that you could win upon submission to arbitration?—I didn't have Mr. Bassett arrested for this reason that the money might have been used by him, but I don't think his intention was to steal any money of the company.

Neither do I. When he had converted it to his own use?—Yes. It is rather a dangerous thing to arrest any man.

Mr. Ohlinger said there was no question of arrest at all and objected to his friend questioning witness on that point.

His Honour told Mr. Brooks there was no need to go on that point and Mr. Brooks did not press it further.

Further questioned, witness said he submitted to arbitration simply on the contract alone, and it was decided against the Company. The reason they did not abide by the decision was because they didn't think it was just. There were three ponints and the arbitrator only decided on one. They allowed Mr. Bassett £50 for passage money. Mr. Bassett did not demand, on witness, in Singapore, his salary and say that if he didn't pay this salary he would have to use the money of the company. Witness was positive of this. Witness knew nothing of defendant having gone to cash the cheque for $200 or $250 and found it was bad. After the award they asked defendant to go from Penang to Singapore. Witness did not offer to defendant $6,000 for his renewal interest—he offered him $2,000 for it.

Mr. Bell, of the Hongkong and Shanghai Building Co., also gave evidence, after which the Court adjourned till this afternoon at 2.30.

The Court sat this afternoon and after speeches by both sides, judgment was reserved.

(7)

On resuming at two o'clock, Mr. Brooks addressed the Court on behalf of defendant. He said that arbitration had been suggested, his Honour to act as arbitrator, and he (Counsel) was quite willing to go to further arbitration but objected to going again into the matter of the previous arbitrator's award. The money that had from time to time been used by the defendant had been used in the interests of the plaintiffs' business, and such use had been acquiesced in by them. The funds in his hands were to be disposed of as he thought fit in the interests of the business. It was shown in the written contract that defendant was to have a yearly salary of $2,000 (gold), together with 60 per cent commission, and no oral evidence could change the terms of the written contract, or what would be the use of having the contract in writing? Counsel read various letters that had passed between the parties and went into the items of the claim at some length.

Mr. Ohlinger in his reply, went into detail with reference to the various items of the defendant's set-off. He read the clause from the contract entered into between the plaintiffs and defendant, viz:—

"All monies or securities received or collected by the said Travelling Agent for or on behalf of the said Company shall be held by him as a fiduciary trust and shall be used by him for no personal or other use whatever but shall be by him immediately paid over to said Company or to the local or general agents appointed at the point where the said Travelling Agent is operating, it being distinctly understood that as the said Travelling Agent is personally responsible to the Company for the collection and remitting of instalment, said Travelling Agent is the personal Agent of the said Company and that all monies collected or instalments under this agreement are due and payable to the said Company at their Head Office in the city of Shanghai unless the said Company shall have notified said Travelling Agent otherwise. And it is expressly stipulated and agreed between the parties hereto that in case the said Travelling Agent shall withhold any funds, certificates or receipts after such funds, certificates or receipts should have been reported upon and transmitted by him as aforesaid or the said Travelling Agent shall withhold any funds certificates or receipts after they have been demanded from him in writing by the said Company such dereliction shall work a forfeiture to the said Travelling Agent unconditionally of all claims whatsoever accrued or to accrue under this Agreement to said Travelling Agent." Counsel contended that in respect to any claim for the recovery of moneys collected by defendant he was not entitled to any set-off. In support of his argument Counsel read extracts from Storey's text-book on the subject of trusts, and said that the defendant's contract prohibited him from balancing his own claim against that of the plaintiffs.

Judgment was reserved.



(8)

AMERICAN CONSULAR COURT

Shanghai, 26th July.

Before the Hon. JAMES L. RODGERS, Consul-General, and Captain ROBERTS, and Mr. S. FESSENDEN, Assessors.

SHANGHAI-HONGKONG BUILDING, LOAN AND INVESTMENT CO., LD., V. HAROLD DWIGHT BASSETT.

Mr. G. A. Ohlinger appeared for the plaintiff company and Mr. F. M. Brooks for the defendant.

His Honour delivered the following judgment this morning :—

OPINION.

The plaintiffs, The Shanghai Building and Investment Company, Ltd., successors to the Shanghai-Hongkong Building Loan and Investment Co., Ltd., claim that defendant, Harold D. Bassett, a travelling agent, holds in trust and retains contrary to the provisions of a contract between them, the sum of Singapore Dollars, 15,056.06, and also refuses to deliver certain receipts aggregating in Singapore Dollars 9,300. The defendant admits collecting on behalf of the plaintiff the sum of Singapore Dollars 13,348.16, which amount as it appears from the evidence is probably the correct one, there having been a misunderstanding on the part of the plaintiffs as to the collection of a certain amount included in the total. The defendant further admits that he has receipts in his possession and is willing to deliver the same. By way of counterclaim and set-off, the defendant alleges an unpaid salary account at the rate of $2000, U.S. gold, per annum, from January 1st, 1903, and the following sums in Singapore Dollars; for advertising expenses $463.64; for commissions unpaid $720.00; for bonus unpaid, $900.00; for renewal percentages unpaid, $240.00; for damages by reason of failure to abide by the arbitration award given at Penang, $2000, for error in account, $90; and for travelling expenses from Singapore to Shanghai, $1000, more or less. The plaintiffs' contention is that by the collection and retention of a certain amount of money, the defendant has forfeited his claims under the contract; the defendant contends that inasmuch as the salary stipulated for in the contract has not been paid him, and the questions involved in the matter having been submitted legally in writing to an arbitrator acting under the British Arbitration Act 1890, and the arbitration award being in his favor on every point, there was immediately due him under that award a certain sum of money, and that he is justified in demanding that this money so collected by him shall be applied to the payment of the debt of the plaintiffs' to him; the determination of that issue having been the sole purpose of the arbitration, and it having been his understanding that a settlement was to follow the decision of the arbitrator. The question of the interpretation of the salary and commission clauses of the contract having been raised heretofore by the parties themselves and having been submitted to arbitration upon an agreed statement of points to be determined by a competent arbitrator, mutually satisfactory, and no issue of fraud or corruption, partiality or impropriety having been raised, it does not appear necessary to rejudge the matter here since the decision was given under authority and a process which is competent not only in British law but in American as well, and furthermore covered all the points of submission and gave neither more nor less than that asked for. It is perfectly clear that this award should be admitted as a defence in this action and the holding as to its effect in this case is fully sustained by the highest authority. In the case of the Boston Water Power Co. v. Gray, the opinion of the justices so often cited, may be applied here: "But when the parties have expressly, or by reasonable implication submitted the questions of law, as well as the questions of fact, arising out of the matter of controversy, the decision of the arbitrators on both subjects is final. It is upon the principle of res judicata on the ground that the matter has been judged by a tribunal which the parties have agreed to make final and a tribunal of last resort for that controversy and therefore it would be contrary to principle for a court of law or equity to rejudge the same question as for an inferior court to rejudge the decision of a superior, or for one court to overrule the decision of another when the law has not given an appellate jurisdiction or revising power acting directly upon the judgment alleged to be erroneous. This view and holding as to the award admits of but little consideration of the plaintiffs' claim that there could be diversion of the money received and retained by the defendant. There would have been, in all probability, no such question if the award had been observed. The amount due under the salary award being uncertain on account of defendant's tenure, and the amounts of the counterclaim being undetermined, renders a judgment in an amount certain impossible. However, it is assured that the total of salary accrued when added to the counterclaims admitted and proved will exceed the amounts sued for by the plaintiffs. The case will therefore upon motion be dismissed and each party will be required to pay half the costs.

Mr. Brooks said he would endeavour to get a bill of costs to-day and would send a cheque for his half of the costs.

Mr. Ohlinger said he would do the same and he would also like to give notice of appeal.

The Court then rose.

AMERICAN CONSULAR COURT.

Shanghai, 18th July.

Before the Hon. JAMES L. RODGERS, Consul General and Assessors.

SHANGHAI-HONGKONG BUILDING, LOAN AND INVESTMENT CO. LD. V. HAROLD DWIGHT BASSETT.

Mr. G. A. Ohlinger appeared for the plaintiff company and Mr. F. M. Brooks for the defendant.

The following are the pleadings in the above case :—

PETITION.

The petition of the plaintiffs in the above entitled suit shows :—

1.—The plaintiffs are a British Corporation, duly organized under the Ordinances of the British Colony of Hongkong, and doing business, among other places, in the City of Shanghai, China, and the plaintiffs are the successors and assigns of the Shanghai-Hongkong Building, Loan and Investment Co., Limited, with all the rights, powers, and liabilities of said Company, also duly organized under the Ordinances of Hongkong, as a going concern. For the purposes of this suit plaintiffs submit to the Jurisdiction of this Court.

2.—The defendant is an American citizen at present within the Jurisdiction of this Court.

3.—The defendant holds in trust for the plaintiffs the sum of Singapore $15,056.06. The said sum is payable to the plaintiffs on their demand, and is subject to no personal or other use of defendant whatsoever, as is evidenced by a written agreement between defendant and the Shanghai-Hongkong Building, Loan and Investment Co. Limited, which said agreement has been taken over by the plaintiffs and that at the time said money was allowed by the defendant has been renewed and was in force. The defendant also holds subject to the same condition in the same capacity receipts signed by the plaintiff for sums aggregating S. $9,500.

4.—Plaintiffs have demanded of defendant payment of the money and return of the receipts described in the preceding paragraphs; but defendant has refused and does still refuse to make such payments and return.

Wherefore plaintiffs pray that defendant be ordered to pay to plaintiffs the sum of S. $15,056.06 or its equivalent in U. S. currency, together with interest and to return the receipts set forth in paragraph 3 above and to pay the costs of this suit. And the plaintiffs pray that they may have such other and further relief as to this Court shall appear just.

ANSWER.

Now comes the defendant Harold Dwight Bassett and for answer to plaintiffs' petition on file herein admits, denies and alleges.

1.—Admits the allegation in paragraphs 1 and 2 in plaintiff's petition.

2.—Defendant denies that he holds in trust for plaintiffs the sum of fifteen thousand and fifty-six dollars and six cents ($15,056.06) or any other sum, but defendant alleges that fact to be that he has collected on behalf of plaintiffs the sum of $13,348.16 under and by virtue of a written contract dated January 1st 1903, said contract being in force during all the time mentioned in plaintiffs' petition.

3.—Defendant alleges that on or about the 1st day of April 1905 while the manager of plaintiffs and defendant were both in Penang, Straits Settlements, there arose a dispute over the construction of such contract, and that the plaintiff and defendant submitted to arbitration said questions in dispute.

A copy of said submission being hereto annexed and marked exhibit A.

6.—That thereafter, to wit, on April 1st 1905, the arbitrator agreed upon by said defendant and plaintiff deciding that said defendant was entitled to an annual salary of $2,000 gold and further to a commission of sixty per cent. according to the terms of said contract.

A copy of said award being hereto annexed and marked exhibit B.

5.—That thereupon said plaintiff agreed to pay to said defendant said amount according to the terms of such award, but although many times requested so to do has utterly failed to pay the sum or any part thereof.

6.—That the plaintiffs are indebted to defendant in the sum of $163.64 for advertising expenses and printing expended on behalf of plaintiffs by defendant at plaintiffs special interest and request.

7.—That plaintiffs are indebted to defendant for commission in the sum of $720 being commission on certificate sold to Cheng Mo Tseng.

8.—That plaintiffs are indebted to defendant in the sum of $900 bonus as agreed in writing.

9.—That plaintiffs are indebted to defendant in the sum of $240 renewals.

10.—That plaintiffs are indebted to defendant in the sum of $1000 more or less, expenses from Singapore to Shanghai and expenses in Shanghai according to written agreement by and between said parties hereto.

11.—That plaintiffs are indebted to defendant in the sum of $90 being an error in plaintiffs account repayment on certificates 7019 Tan Kin Hook as per plaintiffs statement No. 314, also referring to plaintiffs letter No. 37, March 7th, 1904, which de-

fendant begs leave to introduce in evidence on the hearing of this case.

12.—By reason of plaintiffs refusal to abide by and comply with the terms of said award mentioned herein defendant was left without funds in said Penang and was obliged to dispose of all his property in said Penang, and was damaged thereby in the sum of $2,000 making a total that plaintiffs are in debted to defendant in the sum of $18,873.35.

13.—That defendant has at all times served the plaintiff to the best of his ability and is willing now to carry out the terms of said contract but on the 29th day of May 1905 plaintiffs served a written notice upon defendant and that he should do no more work for plaintiffs until further orders. Notwithstanding said notice defendant is willing to continue in the service of plaintiffs according to terms of said contract.

14.—That a detailed statement of plaintiffs indebtedness to defendant is attached hereto and marked exhibit C.

15.—Defendant admits that he has certain receipts to wit, to the amount of $8,000 but said receipts are now in his office at Singapore and he is willing to turn the same over to plaintiffs as soon as the same may be obtained.

16.—That the Demand in plaintiffs' petition herein is the first Demand ever made for the return of said receipts.

Wherefore defendant prays judgment that plaintiffs take nothing by his action but that defendant be allowed to set off as against plaintiff claim the sum of $18,963.35 and that judgment be rendered in favor of defendant in the sum of $5,615.19 together with costs of Court and for such other relief as to this Honorable Court may seen just.

Mr. Ohlinger contended that the claim made by the plaintiff company against defendant was not a mutual debt. The money which defendant owed plaintiff was not a debt. It was money which belonged to the plaintiff and had always belonged to them. Defendant had no right to hold the money for a moment. It was money held in the nature of a trust. The claim of the plaintiffs being of that nature it was impossible for the defendant to come to that Court and try to upset a claim of that kind by a claim for damages and for unliquidated salary and other claims. Counsel therefore contended that defendant could not have used the money in question for any personal purposes. Counsel preferred to believe that the money was held back in order to compel plaintiff Company to come to that Court and have his claim adjudged in this Court. The Court knew that the company was a British Company and was not subject to the jurisdiction of this Court. However plaintiffs in this case had submitted to the jurisdiction of this Court. But that was only a common expression used in petitions. Of course it was an established principle of law that the consent of the parties was required to confer jurisdiction on this Court. Plaintiff had come to this Court and they had agreed to abide to the decision of this Court as to costs. That was all that Counsel had to refer to so far as the nature of the jurisdiction of this Court was concerned. However no other plaintiff had the right or the power to confer Jurisdiction on this Court which its own government did not confer. The provision required defendant to hold the money in trust for the plaintiffs and to keep it until plaintiff demanded it. It would be apparent to the Court the nature of the business in which plaintiffs were engaged. They were an Investment and Trust Company and the funds of the people ware placed in the hands of this company to be invested by them. Now the Company occupying that position towards the public must necessarily be able to demand from their agents the immediate transfer of all funds to the company. They were a trust company and if the impression got abroad that the funds taken by the agents were not passed immediately by them to the company for the purpose for which people had paid their money, the company was liable to damages and stood to lose the confidence of the public.

Mr. Ohlinger, continuing, said that the company's head office was in Shanghai and defendant was engaged to represent the company in Singapore —a great distance from the head office which made it all the more necessary that all moneys collected by agents should be forthwith transmitted to the company for investment. The contract of service between the defendant and the plaintiff company was relied upon by both parties, so that they were on common ground. The provision relating to the collection of monies was as follows:—

"All monies or securities received or collected by the said Travelling Agent for or on behalf of the said Company shall be held by him as a fiduciary trust and shall be used by him for no personal or other use whatever but shall be by him immediately paid over to said Company or to the local or general agents appointed at the point where the said Travelling Agent is operating, it being distinctly understood that as the said Travelling Agent is personally responsible to the Company for the collection and remitting of instalments, said Travelling Agent is the personal Agent of the said Company and that all moneys collected or instalments under this agreement are due and payable to the said Company at their Head Office in the city of Shanghai unless the said Company shall have notified said Travelling Agent otherwise. And it is expressly stipulated and agreed between the parties hereto that in case the said Travelling Agent shall withhold any funds certificates or receipts after such funds certificates or receipts should have been reported upon and transmitted by him as aforesaid or the said Travelling Agent shall withhold any funds certificates or receipts after they have been demanded from him in writing by the said Company such dereliction shall work a forfeiture to the said Travelling Agent unconditionally of all claims whatsoever accrued or to accrue under this Agreement to said Travelling Agent."

The circumstance of the case must have impressed upon the Court the absolute necessity of this provision in the contract which made all moneys and securities collected by the agents trust funds. This was simply necessary for the protection of the investing public. They had made other arrangements now but they must have some means of preventing this trust money from being used for any other purpose. Now there was a difference between the plaintiffs and the defendant with regard to the amount collected. Plaintiffs alleged that $15,056.06 had been collected while defendant only admitted $13,348.16. This was simply a matter of book-keeping and Counsel would submit that the matter be referred to an accountant or referee. With regard to the question of a set off, Counsel maintained that defendant's attitude with regard to the contract effectually barred him from presenting any set off. One of the principles of the doctrine of set off was that there must be mutuality between the demands sought to be set off against each other. In the present case not only was there no such mutuality but the very language of the contract forbid defendant from balancing his own claim against that of the plaintiffs. If the Court was with him on the point of a set off, Counsel would make a motion for the matter to be referred to a referee, otherwise Counsel would proceed to make answer to the other points contained in the petition.

Mr. Brooks said that he would be able to show that this alleged trust fund had been in the possession of the defendant since he began business and with the consent of the Company defendant had collected this money and used it. He had made reports from time to time of the collection of these moneys and had obtained receipts from the Company for them. Defendant's answer set forth his defence. The answer was in the nature of a set off. Counsel contended that the defendant had the right of counter-claiming if his claim had accrued from the same transaction. With regard to the question of salary and commission defendant was in Penang at the time and the question was referred to the arbitration of a gentleman who occupied the position of manager of the Chartered Bank—a gentleman from whom they could not expect anything else than a fair decision, and he decided in favour of the defendant. The question was whether defendant was entitled to a salary of gold $2,000 a year in addition to a commission or whether he was entitled to a salary only or a commission only, and the arbitrator decided that defendant was entitled to both salary and commission. This controversy had been decided according to the British Arbitration Act. Being a long way from the mother country, and where jurisdiction was so incomplete, this Arbitration Act was enforced and the decision of an arbitrator was made as binding as the judgment of the Court. Counsel denied that the defendant held the money in trust. He had collected the money on behalf of the company by virtue of a clause by which the contract might be changed from time to time. Defendant was entitled to the money due him and had tried to get it. He was therefore entitled to a set off. The plaintiff company had no right to hold this money which was due for salary and which the arbitrator had decided that defendant was entitled to. Defendant had always contended that he was entitled to a commission which had been allowed him by the arbitrator. Out of this commission defendant paid all sub-agents and travelling expenses. He was responsible for all his acts and also all the acts of the sub-agents. This arrangement put the company to no expense whatever and the company took no chances. Defendant was entitled to 10 per cent commission on renewals and there was something like $40,000 of renewals. This controversy took place in Penang.

Defendant had to claim his salary because he was in need of money at the time. Mr. Ross, plaintiff's manager, then proposed to settle the matter in Singapore. If defendant had known that Ross would not have fixed the matter in accordance with the arbitrator's award he would have sued the plaintiffs in Penang. That was the reason why defendant had not sued the company for some time. When defendant came here he found that the British Court was in vacation and Mr. Ross told him that he could not afford to sue the plaintiff company here. Defendant was authorized in writing to expend a certain amount for advertising. There should be a set off against this as the matter accrued out of the same transaction. It would be shown that in order to incite him to greater efforts, defendant was promised a bonus. The commission on renewals were now due and payable. Plaintiffs then wrote to the defendant to come to Shanghai and defendant for reasons involving the good of the Company, could not come then unless his expenses were paid and he wired to the plaintiffs to that effect. Defendant always served the plaintiff company to the best of his ability and notwithstanding the notice defendant had the right of continuing to serve the company. Defendant was ready to return the renewal receipts but they had not been brought up from Singapore. The receipts were in the hands of the agents of the company. They were useless to the defendant unless he was still connected with the plaintiff company. Counsel wished to know what his friend meant by the statement in the petition that plaintiffs had submitted to the jurisdiction of this Court for the purposes of this suit. Counsel thought that plaintiffs would submit to the jurisdiction of this Court in all matters appertaining to this suit. Counsel wished this point to be decided now so that if plaintiffs did not abide by the decision of this Court and if the Court found that defendant had collected $13,348.16, to leave out a certain amount of the counter-claim so that defendant could follow the plaintiffs to the British Court for the balance. Counsel doubted if this Court could enforce any judgment against the defendant.

Mr. Ohlinger was of opinion that even if the parties had submitted to its jurisdiction, the Court could not enforce its judgment, as no party had the power to give jurisdiction to the Court.

After some further discussion the Court decided to hear the evidence of a counterclaim.

Mr. Ohlinger then put in the original of the contract entered into between the plaintiffs and the defendant.

Mr. Brooks admitted that this contract was in force during the whole of the time of the plaintiffs' allegation and the defendant's answer.

Mr. Ohlinger would not admit this as the contract had been changed with the consent of the parties.

A. B. Ross, sworn, stated that he was the general agent of the plaintiff company. His relation with the defendant had been that of an employer and employee. Defendant had been employed by the plaintiffs since January 1903. During the subsistence of this contract there had been five payments made to the defendant by way of salary. The term salary was used as a general expression. They called it advances and many times they called it salary in order to get at the word easily. In their correspondence they called it both by the term "salary" and "advances," but its real nature as fully understood by the defendant was that of a commission.

Mr. Brooks said that there was nothing in the pleadings with regard to the question of salary. The pleadings only claimed for money received on trust. Counsel would be able to show that the question of salary had been adjudicated upon and was entirely settled.

Mr. Ohlinger said that he would be able to show that the matter had not been adjudicated upon as his friend had alleged. He would reserve his right to call evidence in rebuttal.

The Court sustained the objection.

Witness, continuing, said that there was a claim of $15,056.06 made in the petition, against the defendant. Witness had compared the defendant's statement with the company's account books and save some minor errors it was correct. The final statement of account had been presented and on the face of it it seemed correct. At no time had it been admitted that defendant had the right to hold money belonging to the company. Defendant had overdrawn his account several times and his attention had been called to it. Witness had asked defendant for a statement of his account so that witness could check it, but witness had never been able to get a complete account from the defendant. All his accounts were partial. Defendant was most unsatisfactory in the matter of accounts. The contract produced was the original contract made with the defendant.

Cross-examined—The letters E. & O. E. which appeared in defendant's account was a stereotyped form here. It stood for "Errors and Omissions Excepted." Ninety-nine cases out of a hundred, when defendant made a claim, they had found it wrong. Witness admitted that the contract was in force up to 1st January, 1905. Since then defendant's agency had been suspended. Witness found that it was not possible to continue with the old contract. As regards the original contract they could not help themselves and had to make defendant their manager in the Straits Settlements.

Re-examined—The contract was dated the 1st January 1903 and was for one year. When January, 1904 came no change was made, but there had been some modifications made in letters. From January this year they refused to accept any more new business through defendant. He was the Company's agent acting under the old contract. (Some letters were here put in with regard to some changes in the contract.)

Mr. Brooks then called.

Harold Dwight Bassett, who after being sworn, stated that there had been no change made in his contract with the plaintiffs. There had been a proposal to change the commission but it had not been accepted by him. The contract provided for a salary of $2000

gold and a commission of 60 per cent on new business. This commission was always paid out to sub-agents and brokers. He had never received it. Witness wrote to the plaintiffs to keep back his salary as he wished to purchase some founder shares. When Mr. Ross met witness in Penang he said that the contract must be modified and that witness had overdrawn his salary. (Witness here related how the question whether he was entitled to a salary and commission was referred to arbitration in Penang and he identified all the documents connected therewith.) Witness was entitled to a commission of 10 per cent for every renewal of business. When witness was employed in Hongkong he received his salary either by cheque or he paid himself with moneys received at that office. He had a letter from the Company authorizing him to draw as much money as he needed. Witness never got his founder shares because Mr. Ross said that he was not entitled to any salary. The renewal receipts were in the hands of the Company's representative in Singapore. $13,348.16 was all that witness had collected. Witness once wrote to the plaintiffs that he did not have the money when required and that they had better get another man out. They replied that they did not understand that they had to remit the salary as well as the commission. They had not been instructed to do so. After this witness drew what money he required and reported it to the head office. (Witness here explained all the items of his account). Mr. Ross was in Penang after the award was given and they left Penang with the intention of arranging the matter in Singapore. He came to Shanghai at Mr. Ross's instruction. He had been maintaining an office in Singapore all the time.

At this stage the Court adjourned till 2 p.m.

Resuming at two o'clock, Mr. Bassett was examined in regard to further documents. He said it was in September 1902 that he went to New York after having seen Mr. Ross in Cincinnati. He met Mr. Ross in New York and he said he wanted to take two men to China and was willing to pay $2,000 gold per year. The preliminary agreement was made; the salary to be $2,000 gold a year and commission. Witness produced the agreement. When he came to Shanghai he had drawn from the Company $500 gold, but $500 of that was soon made up by commission. Witness let his salary stand until it was sufficient to buy founder shares in the Company. After the arbitration award was given to witness Mr. Ross said he would settle up then if witness would accept $2,000, provided he would waive all other claims on the Company.

Cross-examined—Witness came up to Shanghai in June, 1903 and the matter of account was brought up then. The account was in such a state that he was bound to come to Shanghai and straighten it up. He did not think salary was ever credited on any of the accounts, and he never made a request for salary. When he was in Hongkong he and his partner retained the sum of $300 or $400 each month from the commission.

Mr. Ohlinger said the salary was a guarantee and as soon as the sum of $2,000 gold was earned no salary was paid, but if Bassett earned more than $2,000 gold commission he got the benefit of the extra amount. No salary had been mentioned in the accounts for the past two years and no objection was made by Bassett.

Mr. Brooks said he was willing to take it prima facie that the accounts were correct, but they did not have anything to do with the salary. There was before the Court the submission on the construction of this contract, the submission to arbitration by Mr. Ross and agreed to by Mr. Bassett. That submission covered this very point as to whether Mr. Bassett was entitled to a salary and commission or a commission only. The Court could not go behind an award of that kind which stated that Bassett was entitled to a certain salary and commission.

His Honour said he thought the Court could end this point at once. It would be duly considered by himself and the assessors.

The cross-examination was continued. Witness was taken through a large amount of correspondence with regard to his overdrawing his account. Witness stated he had never had any of the founder shares made over to him.

The Court adjourned until 10 a.m. next day.

Shanghai, 19th July.

On the case being resumed this morning Mr. Ohlinger continued his cross-examination of the defendant, Mr. Bassett. Witness read a letter from the plaintiffs dated April 21st asking him to go to Shanghai. In reply witness stated that he would not go unless they allowed him £50 expenses in addition to his hotel charges. The letter from plaintiffs also stated that they had consulted their solicitors with regard to salary and they were of opinion that if the case was taken to arbitration a decision would be given in their favour. They enclosed a statement of such credits that had been allowed witness every quarter of the first year on commission, the total amount of which was $2,000 gold viz: Singapore $4,516. On the question of the salary the letter stated that witness must have been acting under a wrong impression as to his preliminary agreement and that salary was charged against commission. Witness replied to this that he didn't agree that he was acting under a wrong impression and said he could not listen to any attempt to go behind the award of the arbitrator and asked for remuneration up to the time of his services. The plaintiff's wired a reply to this letter on June 7th "We guarantee passage expenses both ways."

Mr. Ohlinger—You got a return ticket from Singapore to Shanghai? What was the cost?

Mr. Brooks—I object to that question. He asked to be allowed £50 and they said 'yes.' This was absolutely guaranteed by his telegram.

Mr. Ohlinger—We don't deny that £50 was allowed as expenses.

His Honour said they would take that point into consideration afterwards.

Mr. Ohlinger—What was the cost of your ticket?—In the German mail it would be more than £50.

What is the regular rate for a first class ticket?—£12 single, £18 return. Witness's hotel expenses in Shanghai were $20 a day.

He stayed at the Hotel des Colonies. That amount included board, lodgings, fans, baths, and anything else that might be necessary.

Mr. Ohlinger was proceeding to question witness as to whether the $20 was for himself alone or for his wife also.

His Honour—I don't think there is any need to go into that.

Mr. Ohlinger—I think it is excessive. His wife is not connected with the company.

Witness, continuing, said that the claim under clause 6 was for advertising expenses for the last two years. (At Mr. Ohlinger's request witness promised to give the itemised amounts.) With regard to the claim of $1,900 as bonus under clause 8 of the answer witness said that was arranged in a letter by the company on October 16th 1904, the bonus to be according to the amount of business done. Witness had since then produced over $1,500 shares and for that amount the bonus should be at the rate of 5 per cent.

Mr. Ohlinger questioned as to whether witness had only made out a statement showing $1,485. It was a question which would have to be verified from the books. The company were willing to pay on the amount returned up to April 30th and if it was agreeable he would suggest that the books be examined.

Mr. Brooks—I am willing to do that but it takes up so much time. Unless it is contradicted I submit that the Court shall take witness's statement.

His Honour—That is a question of fact and it seems it can be decided very easily by referring to the books.

Mr. Ohlinger (to witness)—Did you ever overdraw your account during 1904?—Probably, quite possibly.

Had you any authority?—I only have the letters that I have shown to you from the company. (A letter was handed to witness from plaintiffs which he read) That, said witness, bore out his statement. It set forth that he must not overdraw any more than $1,500 as an emergency fund. He replied to that letter that the company was owing him money—on the top of $1,500 he received $2,000. (Letter read) Witness admitted having overdrawn to the extent of $4,000.

Mr. Brooks—We admit having had this money. We cannot have it and spend it at the same time. It was expended on the company's business.

Witness stated that when Mr. Ross was in Penang he wrote him a letter saying that he was without funds and that for him to go to Singapore it would be necessary for him to use the company's money. He therefore asked for written authority to do this but Mr. Ross put him off and he did not get written authority.

Mr. Ohlinger—Did you receive an authority to draw $250?—No.

Didn't you state that to me in my office?—No certainly not.

The cross-examination was then concluded and His Honour enquired of witness as to a letter which had been mentioned that witness wrote to the company in respect to the matter of salary.

Witness said he could give the date of that letter, but he hadn't the actual copy. The plaintiffs had it.

Mr. Ohlinger—It will be produced.

Mr. A. B. Ross was recalled and the letter was produced.

Answering His Honour, witness said that defendant was in the employ of the Company until he violated the orders of the company.

Mr. Brooks—What orders did he violate?—He failed to come to Shanghai, and he had taken funds that belonged to the Company.

Where?—In Singapore.

Were you there at the time?—No.

Why didn't you have him arrested?—Simply for the reason that we were friends.

Your solicitors advised you would win?—Yes.

Then you went and signed this statement to arbitration?—Yes.

And signed it in good faith?—I told him at the time I signed it on the distinct understanding that if it was necessary I should appeal.

Did you appeal?—We appeal now.

Then instead of having Mr. Bassett arrested for having converted to his use trust funds you went to your solicitors and found out that you could win upon submission to arbitration?—I didn't have Mr. Bassett arrested for this reason that the money might have been used by him, but I don't think his intention was to steal any money of the company.

Neither do I. When he had converted it to his own use?—Yes. It is rather a dangerous thing to arrest any man.

Mr. Ohlinger said there was no question of arrest at all and objected to his friend questioning witness on that point.

His Honour told Mr. Brooks there was no need to go on that point and Mr. Brooks did not press it further.

Further questioned, witness said he submitted to arbitration simply on the contract alone, and it was decided against the Company. The reason they did not abide by the decision was because they didn't think it was just. There were three ponints and the arbitrator only decided on one. They allowed Mr. Bassett £50 for passage money. Mr. Bassett did not demand, on witness, in Singapore, his salary and say that if he didn't pay this salary he would have to use the money of the company. Witness was positive of this. Witness knew nothing of defendant having gone to cash the cheque for $200 or $250 and found it was bad. After the award they asked defendant to go from Penang to Singapore. Witness did not offer to defendant $6,000 for his renewal interest—he offered him $2,000 for it.

Mr. Bell, of the Hongkong and Shanghai Building Co., also gave evidence, after which the Court adjourned till this afternoon at 2.30.

The Court sat this afternoon and after speeches by both sides, judgment was reserved.

On resuming at two o'clock, Mr. Brooks addressed the Court on behalf of defendant. He said that arbitration had been suggested, his Honour to act as arbitrator, and he (Counsel) was quite willing to go to further arbitration but objected to going again into the matter of the previous arbitrator's award. The money that had from time to time been used by the defendant had been used in the interests of the plaintiffs' business, and such use had been acquiesced in by them. The funds in his hands were to be disposed of as he thought fit in the interests of the business. It was shown in the written contract that defendant was to have a yearly salary of $2,000 (gold), together with 60 per cent commission, and no oral evidence could change the terms of the written contract, or what would be the use of having the contract in writing? Counsel read various letters that had passed between the parties and went into the items of the claim at some length.

Mr. Ohlinger in his reply, went into detail with reference to the various items of the defendant's set-off. He read the clause from the contract entered into between the plaintiffs and defendant, viz:—

"All monies or securities received or collected by the said Travelling Agent for or on behalf of the said Company shall be held by him as a fiduciary trust and shall be used by him for no personal or other use whatever but shall be by him immediately paid over to said Company or to the local or general agents appointed at the point where the said Travelling Agent is operating, it being distinctly understood that as the said Travelling Agent is personally responsible to the Company for the collection and remitting of instalment, said Travelling Agent is the personal Agent of the said Company and that all monies collected or instalments under this agreement are due and payable to the said Company at their Head Office in the city of Shanghai unless the said Company shall have notified said Travelling Agent otherwise. And it is expressly stipulated and agreed between the parties hereto that in case the said Travelling Agent shall withhold any funds, certificates or receipts after such funds, certificates or receipts should have been reported upon and transmitted by him as aforesaid or the said Travelling Agent shall withhold any funds certificates or receipts after they have been demanded from him in writing by the said Company such dereliction shall work a forfeiture to the said Travelling Agent unconditionally of all claims whatsoever accrued or to accrue under this Agreement to said Travelling Agent." Counsel contended that in respect to any claim for the recovery of moneys collected by defendant he was not entitled to any set-off. In support of his argument Counsel read extracts from Storey's text-book on the subject of trusts, and said that the defendant's contract prohibited him from balancing his own claim against that of the plaintiffs.

Judgment was reserved.

AMERICAN CONSULAR COURT.

Shanghai, 26th July.

Before the Hon. JAMES L. RODGERS, Consul-General, and Captain ROBERTS, and Mr. S. FESSENDEN, Assessors.

SHANGHAI-HONGKONG BUILDING, LOAN AND INVESTMENT CO., LD., V. HAROLD DWIGHT BASSETT.

Mr. G. A. Ohlinger appeared for the plaintiff company and Mr. F. M. Brooks for the defendant.

His Honour delivered the following judgment this morning :—

OPINION.

The plaintiffs, The Shanghai Building and Investment Company, Ltd., successors to the Shanghai-Hongkong Building Loan and Investment Co., Ltd., claim that defendant, Harold D. Bassett, a travelling agent, holds in trust and retains contrary to the provisions of a contract between them, the sum of Singapore Dollars, 15,056.06, and also refuses to deliver certain receipts aggregating in Singapore Dollars 9,300. The defendant admits collecting on behalf of the plaintiff the sum of Singapore Dollars 13,348.16, which amount as it appears from the evidence is probably the correct one, there having been a misunderstanding on the part of the plaintiffs as to the collection of a certain amount included in the total. The defendant further admits that he has receipts in his possession and is willing to deliver the same. By way of counterclaim and set-off, the defendant alleges an unpaid salary account at the rate of $2000, U.S. gold, per annum, from January 1st, 1903, and the following sums in Singapore Dollars; for advertising expenses $463.64; for commissions unpaid $720.00; for bonus unpaid, $900.00; for renewal percentages unpaid, $240.00; for damages by reason of failure to abide by the arbitration award given at Penang, $2000, for error in account, $90; and for travelling expenses from Singapore to Shanghai, $1000, more or less. The plaintiffs' contention is that by the collection and retention of a certain amount of money, the defendant has forfeited his claims under the contract; the defendant contends that inasmuch as the salary stipulated for in the contract has not been paid him, and the questions involved in the matter having been submitted legally in writing to an arbitrator acting under the British Arbitration Act 1890, and the arbitration award being in his favor on every point, there was immediately due him under that award a certain sum of money, and that he is justified in demanding that this money so collected by him shall be applied to the payment of the debt of the plaintiffs' to him; the determination of that issue having been the sole purpose of the arbitration, and it having been his understanding that a settlement was to follow the decision of the arbitrator. The question of the interpretation of the salary and commission clauses of the contract having been raised heretofore by the parties themselves and having been submitted to arbitration upon an agreed statement of points to be determined by a competent arbitrator, mutually satisfactory, and no issue of fraud or corruption, partiality or impropriety having been raised, it does not appear necessary to rejudge the matter here since the decision was given under authority and a process which is competent not only in British law but in American as well, and furthermore covered all the points of submission and gave neither more nor less than that asked for. It is perfectly clear that this award should be admitted as a defence in this action and the holding as to its effect in this case is fully sustained by the highest authority. In the case of the Boston Water Power Co. v. Gray, the opinion of the justices so often cited, may be applied here: "But when the parties have expressly, or by reasonable implication submitted the questions of law, as well as the questions of fact, arising out of the matter of controversy, the decision of the arbitrators on both subjects is final. It is upon the principle of res judicata on the ground that the matter has been judged by a tribunal which the parties have agreed to make final and a tribunal of last resort for that controversy and therefore it would be contrary to principle for a court of law or equity to rejudge the same question as for an inferior court to rejudge the decision of a superior, or for one court to overrule the decision of another when the law has not given an appellate jurisdiction or revising power acting directly upon the judgment alleged to be erroneous. This view and holding as to the award admits of but little consideration of the plaintiffs' claim that there could be diversion of the money received and retained by the defendant. There would have been, in all probability, no such question if the award had been observed. The amount due under the salary award being uncertain on account of defendant's tenure, and the amounts of the counterclaim being undetermined, renders a judgment in an amount certain impossible. However, it is assured that the total of salary accrued when added to the counterclaims admitted and proved will exceed the amounts sued for by the plaintiffs. The case will therefore upon motion be dismissed and each party will be required to pay half the costs.

Mr. Brooks said he would endeavour to get a bill of costs to-day and would send a cheque for his half of the costs.

Mr. Ohlinger said he would do the same and he would also like to give notice of appeal.

The Court then rose.

CONSULAR BUREAU
SEP
9
1905
DEPARTMENT OF STATE

No. 30

Consulate-General of the United States,

SHANGHAI, August 9th , 1905.

Hon. James L. Rodgers,

To the Department of State.

CHIEF CLERK,
SEP 8- 1905
Department of State.

Have we not increased the allowance? Tyler Rockhill Sept 13 05.

Subject:

Contingent expenses.

Abstract of Contents.

Acknowledges Department circular of June 24th, allowing $3800. for contingent expense for year. Requests an allowance of $6000. Explains reasons for request.

FILED

No. 30.

Consulate-General of the United States,

SHANGHAI, August 9th , 1905.

Honorable Francis B. Loomis,

Assistant Secretary of State,

Washington, D. C.

Sir:

I have the honor to acknowledge receipt of the Department's circular No.67 of June 24th relating to the Contingent Expense fund, allotting to this Consulate General the sum of $3800.00 for contingent expense for the fiscal year 1906, and inviting a report upon the real needs of this Consulate General in this respect, estimated upon a basis of strict economy but with due regard to efficient work and the best interests of the public service.

In this connection I beg to state that I cannot see how we can pay our actual necessary expenses upon the allowance made. The contingent expense total of this Consulate General for the year ended June 30th 1905, was $5918.27, and a close scrutiny of the items fails to reveal any instance of extravagance or expense which could be construed as unnecessary. In Shanghai where rents are high, the full amount allowed under law is paid and for consular purposes alone; the telegraph rate is high and the use of the telegraph is required from this Station not only to Washington, but also to Peking and Consular stations in China; the custom and business methods of China, as well as the absolute need of the service demand the employment of Chinese assistants

such

such as compradore, shroff, writers, messengers etc: the other expense is affected in much the same way. Shanghai is growing rapidly and the actual business of this office is keeping pace with it, while, owing to conditions peculiar to this country, a very large amount of the work done is never expressed in the returns to the Department. Every consulate in Shanghai has been obliged to employ additional men, but under such an allowance as that indicated for the American Consulate, we will in the face of increasing demand for service, either have to reduce our force or dispense with entirely or materially reduce such expenditures as those for telegrams, stationary, fuel, lights, postage and other ordinary charges. To do any of this is a hard matter, since the strictist economy has been practised, as far I can observe, in all ways. The use of the telegraph as before stated is necessary at times and while in the interest of economy alone, we may try to reduce the yearly expenditure on that account, they may at any time arise a necessity which will cause as to lose all gained.

In view of these facts I most respectfully submit the seeming impossibility of reducing our contingent expense nearly one third, unless our telegraph expense is provided for in some other way. Upon this point I respectfully request immediate instructions since owing to the boycott agitation a situation may arise which will require large expenditures on that account. I will of course be guided by the Department's instructions and will until authorized to do otherwise limit our expense, but it will mean by so doing decided detriment to the service, and great inconvenience in many ways.

As I interpret the circular it will be impossible for us to secure much needed furniture and office fixtures.

Yet

3 Typewriters have been sent

Yet (the only typewriting machine owned by the Consulate is worn out, that in use is borrowed; the furniture in general is in a ruinous condition, and there is necessity for the expenditure of some money to make the Consular quarters appear other than as they are--miserably shabby. I sincerely hope that the Department will find it possible to increase the allotment of the Shanghai Consulate General for contingent expense to $6000.00 for this year and to allow us the much needed fixtures. For the year of 1907 the allowance should be at least $8000.00. Appearances count for much in China) and there is urgent cause for reform in that respect in Shanghai of all places.

I have the honor to be,

Sir,

Your obedient servant,

Jas. L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

for the only difficulty in this case by the consulate is work out, that is now in controversy; the furniture is involved in a serious conflict, and there is necessity for the expenditure of some money to make the Consular Quarters appear better than as they are--generally shabby. I sincerely hope that the Department will find it possible to increase the allotment of the Shanghai Consulate General for contingent expense to $6000.00 for this year and to allow to the mean revenue figures. For the year of 1907 the allowance should be at least $6000.00. Experience has for much in China and there is urgent cause for reform in that respect in behalf of all places.

I have the honor to be,

Sir,

Your obedient servant,

[signature]

AMERICAN CONSUL GENERAL.

I.C.

CONTINGENT EXPENSES.

AMERICAN CONSULATE GENERAL AT SHANGHAI.

FOR THE FISCAL YEAR ENDED JUNE 30, 1905.

	September Quarter 1904	December Quarter 1904	March Quarter 1905	June Quarter 1905	Totals Gold.
RENT	250.00	250.00	250.00	250.00	1000.00
TAXES	24.12	25.24	25.80	26.28	101.44
SALARIES	376.00	376.00	376.00	376.00	1504.00
FUEL AND LIGHT	29.71	118.38	115.81	45.28	309.18
TELEGRAMS	679.53	236.04	427.77	460.48	1803.82
POSTAGE	33.97	37.07	39.21	36.87	147.12
FURNITURE	142.92	37.73	50.38	42.52	273.55
MISCELLANEOUS	207.30	154.89	267.18	149.79	778.16
	$1743.55	$1235.35	$1552.15	$1387.22	$5918.27

Cons. Bureau.

CONSULAR BUREAU AUG 1905 DEPARTMENT OF STATE

File

TELEGRAM RECEIVED IN CIPHER.

CONSULAR BUREAU RECD AUG 10 '05 DEPT OF STATE

From SHANGHAI,

Received August 10, 1905. 8:a.m.

Secretary of State,

Washington.

Chinese Chamber of Commerce powerless boycott situation. Students controlling. Officials inactive. All our interests are affected; other nations apprehensive.

R O D G E R S.

INDEX BUREAU AUG 16 1905 FILED

DEPARTMENT OF STATE

AUG 10 9 57 AM 1905

CHIEF CLERK'S OFFICE

Deciphered by the Chief Clerk's Office, August 10, 9:25 a.m.

RECD. SEP 8 1905 DEPARTMENT OF STATE

CONSULAR BUREAU. SEP 9 1905 DEPARTMENT OF STATE

No. 31.

Consulate-General of the United States,

SHANGHAI, August 11th, 1905.

Mr. James L. Rodgers,

To the Department of State.

CHIEF CLERK, SEP 8- 1905 Department of State.

Subject:

Boycott movement.

Abstract of Contents.

Confirms telegrams. Reports that Am. trade has gone from bad to worse; boycott nearly attained full measure; agitation prevades all places; Foreign trade also been affected. Encloses translation of handbill circulated in Chinkiang.

re the boycott in China

INDEX BUREAU SEP 19 1905 FILED

No. 31.

Consulate-General of the United States,

SHANGHAI, August 11th , 1905.

Honorable Francis B. Loomis,

Assistant Secretary of State,

Washington, D. C.

Sir:

I have the honor to confirm my telegram of August 5th, as follows:

"SECSTATE, WASHINGTON.

"CHINESE CHAMBER OF COMMERCE SHANGHAI
"VERY ANXIOUS TO STOP BOYCOTT. INJURING TRADE
"GENERALLY. STUDENTS RESPONSIBLE FOR CONTINUANCE.
"RODGERS."

and also my telegram of the 10th idem, as follows:

"SECSTATE, WASHINGTON.

"CHINESE CHAMBER OF COMMERCE-POWERLESS.
"BOYCOTT SITUATION STUDENTS CONTROLLING. OFFICIALS
"INACTIVE. ALL OUR INTERESTS AFFECTED. OTHER
"NATIONS APPREHENSIVE. RODGERS."

The boycott agitation since my despatch of June 27th has gone from bad to worse. For the last ten days the members of the Chinese Chamber of Commerce have been ready to end the matter, but in this they have been resisted by the students and the irresponsible agitators, and as consequence those who originally assumed the responsibility for the boycott now find its control entirely out of their hands. Contrary to their promises and in opposition to their commercial custom they have been made to agree to a cancellation of contracts, thus putting them in the position of violating their agreements and

being

being subject to suits for damages. Furthermore the recognition of such a policy by the boycotters has encouraged those who have contracts with native merchants to repudiate not only their contracts but also their debts, and therefore ruin confronts them. By intimidation, reproach after the Chinese method, and various other processes, these merchants are now controlled and the agitation against American goods and America generally continues with increasing vigor.

It may be said broadly speaking that all American interests in Shanghai are now affected seriously. From a state of half success in this respect the boycott has now attained very nearly the full measure, and were it not for the conditions north of the Yangtse River, where the Chinese officials have spoken in no uncertain way there would be an almost total suspension of American trade with the Chinese from this important commercial centre.

From Shanghai owing to the inactivity and opposition of the Chinese officials the agitation has penetrated up the Yangtse Valley and pervaded the thickly populated regions around Ningpo, Chinkiang, Hangchow and Soochow. In all these places boycott literature is being circulated, posters and placards representing grossly exaggerated American treatment of Chinese are being displayed, and notices published warning the people against the Americans.

The attitude of those now urging the agitation on is distinctly unfriendly. From having demanded better treatment for the exempt classes entering the United States, the contention by an easy process has been made to include the coolie labor. Therefore the prevailing demand is that there shall be absolutely no restriction of any kind relative to Chinese who desire to go to America.

-4-

America. This is but the natural development of the belief that the boycott under its present management is sure to be successful and that all Chinese must therefore have their rights.

It is such contention and doctrine being preached everywhere and now spreading rapidly which makes all foreigners in this section of China apprehensive. Anti-foreign expression has not been absent from the speeches and the literature of the agitators; on the contrary it is a part of the whole. "China for the Chinese" id heard on all sides.

Foreign trade is also affected. British piece goods in some instances are refused because they cannot be distinguished from American, and also because they contain American cotton. So also with a great variety of foreign merchandise of all nations.

The Consular Body of Shanghai in recognition of this condition and the anti-foreign movement, have made a strong representation to the Diplomatic Corps at Peking, stating that the agitation must cease or grave consequences will likely follow.

The growth of this movement, in the last three days has been phenomenal, showing the extent of the agencies at work, and the thorough preparation. The great mystery in the whole matter is as to the money required for such a campaign. Large sums are undoubtedly being spent and no one can trace the source. Charges of foreign participation are freely made, but no verification can be obtained.

To illustrate the literature being circulated there is enclosed herewith a translation of a handbill which also bears the picture described. This is almost exactly similar to those being put out in all districts

of

-2-

...ment. This is but the natural development of the ...
...called "Anti Foreign Movement" is growing ...
...sure to be successful and that all Chinese must ...
...have their rights.

It is such sentiment and doctrine being promulgated everywhere and now spreading rapidly which makes all controversy in this question of China approximately "anti-foreign" expression has not been absent from the crowded and the literature of the agitators; on the contrary it is a part of the whole. "China for the Chinese" is heard on all sides.

Foreign trade is also affected. British goods in some instances are refused because they cannot be distinguished from American, and also because they contain American cotton. It also with a great variety of foreign merchandise of all nations.

The Canadian Body of Shanghai in recognition of this condition and the anti-foreign movement, have made a strong representation to the Diplomatic Corps at Peking, stating that the agitation must cease or grave consequences will likely follow.

The growth of this movement, in the last three days has been phenomenal, showing the extent of the organization at work, and the thorough preparation. The great mystery in the whole matter is as to the money required for such a campaign. Large sums are undoubtedly being spent and no one can trace the source. Chargen of foreign intervention are freely made, but no verification can be obtained.

To illustrate the alertness being circulated there is employed Peking a translation of a handbill [illegible]

of Middle China.

The whole situation is now one of some menace, despite the fact that no trouble or violence has been reported. If the coolie guilds can be incited to discontinue loading or unloading American cargo, great trouble will surely arise. So far the attempt to institute that phase of the boycott has been unavailing. The martyrdom of a few students would have the effect of creating riots. It is to be hoped that the officials under the spur of orders from Peking will prevent all trouble and finally end the boycott, but the cause is now apparently gaining ground so rapidly that severe measures will have to be instituted to insure treaty rights.

I have the honor to be,

Sir,

Your obedient servant,

Jas. L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

Enclosure: Translation of a handbill.

Sir,

Your obedient servant,

ALFRED GEORGE GARDINER.

Translation of placard circulated by Chinese students on the South Maloo, August 4, 1905.

To boycott on American goods in order to prevent our country from being humiliated.

Gentlemen, When America was discovered, it was a piece of wild land with only a small population who did not even know how to cultivate field. It was on that account Chinese were introduced into America and engaged as laborers in constructing roads, opening mines and ploughing fields. When these enterprises were completed and America became rich, Americans began to treat Chinese cruelly and more cruelly than they treat their oxen and horses. Now no Chinese are allowed to immigrate to America. Any man or woman of the student, farmer, laborer or merchant classes, on arrival in America, will be arrested by the American Inspectors and thrown as a prisoner into a small wooden house, which is dark and narrow and where he or she will be fumagated with sulphur, being accused that he or she is infected with or brings plague from China.

You will notice from the proceeding picture how cruelly Chinese are treated by Americans. On the right side there is a small wooden cage in which Chinese are confined. A furious policeman is holding a Chinaman's que in his left hand and a wooden club in his right hand. If the Chinaman walks a little slowly, a blow is bestowed on him. The selfish Customs officer sitting in the middle is dealing with the Chinese immigrants saying that they have violated the American law and must be sent back to China.

Are you painful or not? Chinese abandon their parents, wives and children and are at great pains to reach and yet there they receive such treatment from the Americans.

Furthermore many stores and shops owned by Chinese in America have been burnt down by Americans who claimed that those houses were enveloped in plague. The number of Chinese lives thus put to an end by the fire was immumerable.

There is still the greatest grievance that Chinese have in America, that is Chinese children born in America are not allowed to be taken back to their ancestor's country.

Brothren, you have now been told and are aware how Chinese are treated by Americans in America. Our anger can no longer be restrained and our hatred towards America endured. In order to stop the ill-treatment of Chinese we have no better means than to retaliate against American goods, boycotting on them until the Chinese exclusion act be cancelled. Should we be successful in the matter, we shall avoid falling into ridicule and being dispised by other nations.

This circular is issued by the enlightened members of the Li Tsze Society, Chinkiang, who are afraid of the disgrace.

DEPARTMENT OF STATE,
CONSULAR BUREAU.

Mr Adee

SEP - 9 1905

CONSULAR BUREAU

Mr Carr

Both go to the
President's Secretary

[The President is following this boycott with keen personal interest]

Ack

CONSULAR BUREAU
SEP
9
1905
DEPARTMENT of STATE

No. 4

Consulate-General of the United States,

SHANGHAI, August 12th , 1905 .

Mr. James L. Rodgers,

To the Department of State.

CHIEF CLERK,
SEP 8- 1905
Department of State.

Subject:

Law Reports.

Sept 11/05

Abstract of Contents.

Transmitting 5 Court cases.

Trans reports of various Consular Court cases.

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SEP 12 1905
FILED

No. 4

Consulate-General of the United States,

SHANGHAI, August 12th , 1905.

Honorable Francis B. Loomis,

Assistant Secretary of State,

Washington, D. C.

Sir:

I have the honor to transmit herewith the following Court cases:

U. S. v. Thos Smith.

U. S. v. George Gorse.

U. S. v. George Young.

U. S. v. Charles Green.

Municipal Police v. J. G. Bell.

I have the honor to be,

Sir,

Your obedient servant,

Jas. L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

Enclosures: 5 Court cases in dupliacte.

AMERICAN CONSULAR COURT.

Shanghai, 5th August.

Before the Hon. JAMES L. ROGERS, Consul-General.

AN INCORRIGIBLE.

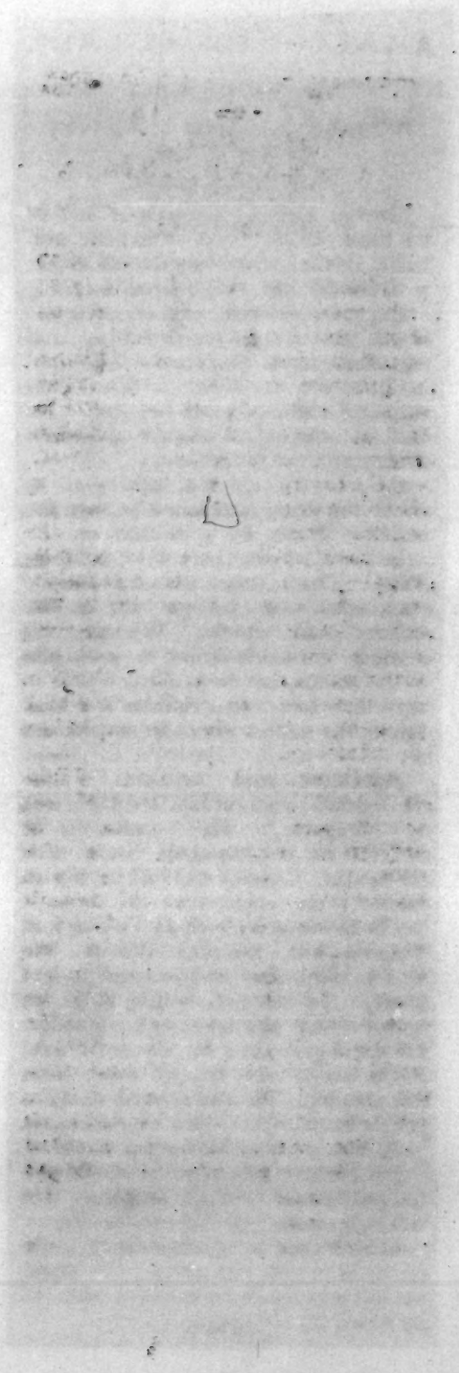
Thos. Smith, unemployed and of no fixed abode, was charged with being drunk and disorderly at 2.30 p.m. on the 4th inst. in Tiendong Road, [illegible].

Inspector Bourke said the man was brought into the station last night drunk. He was a perfect nuisance to the place. He had been arrested a number of times, but had been let out in the morning as he always said he was trying to get a ship.

Sikh P.C. No. 241 said that at the time mentioned he saw the accused struggling with a Chinese constable who was trying to take him to the station. Witness assisted the constable as accused was drunk.

Accused said he was drunk yesterday. He had met some friends and had a few drinks. He came to Shanghai in four masted schooner. He went to the Phillipines as a soldier. He was entitled to transportion home, but he did not have his papers. A copy of them could be procured from the Islands.

His Honour said accused came to the Consulate some time ago and asked to be locked up which request was granted. A ship was procured for him, but he refused to go in her, his excuse being that he was sick. He would have to get away from Shanghai as he could not look after himself here and the Consulate could not keep him. He would now be locked up for three weeks as punishment and arrangments would be made to get him sent home.



AMERICAN CONSULAR COURT.

Shanghai, 7th August.

Before the Hon. James L. Rodgers, Consul-General.

AN OLD SOLDIER.

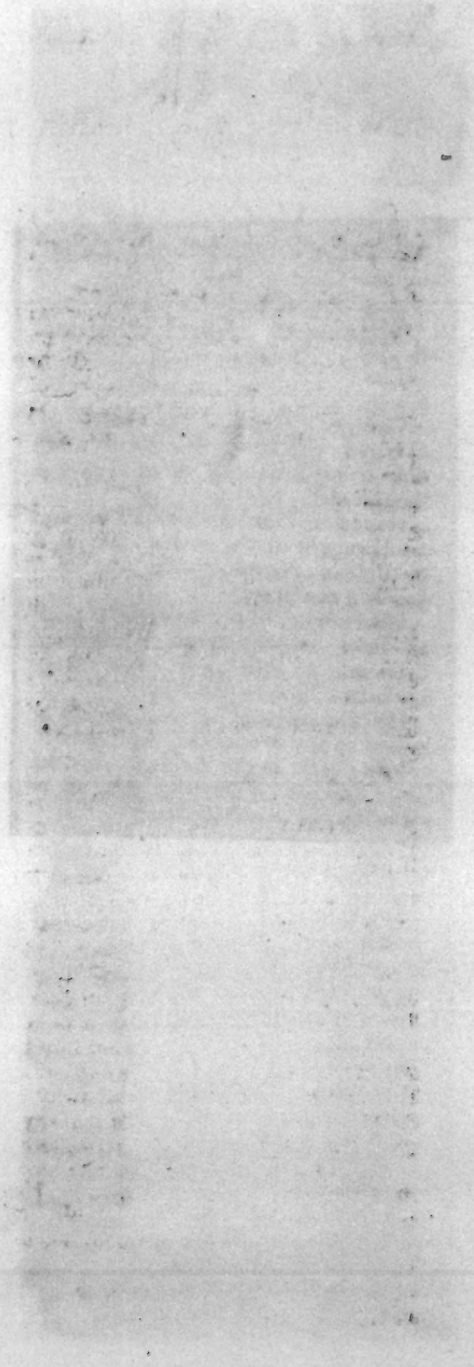
George Gorse, unemployed and of no fixed abode, was charged with being drunk and incapable at 10.40. p.m. the 6th inst. in the Broadway.

Inspector Bourke, said accused was drunk and incapable yesterday and was brought to the station. He had been before the Court on a previous occasion charged with begging. He had no means of support and was a nuisance to the settlement.

P.C. No 67, sworn, said that at about the time mentioned he saw the accused drunk in a ricksha on the Broadway at the corner of Nanzing Road. There was a crowd about the man, who when he got out of the ricksha fell down. Witness and another constable tried to walk him to the station, but he was too drunk, so they lifted him into a ricksha and took him to the station where he was locked up.

Accused said he was a little drunk yesterday. He was a fireman. He came out to China on the transport Grant, with the 6th U.S. Cavalry and had been with the troop as a teamster all through the Boxer trouble, both at Peking and Tientsin with General Woods. He was an old soldier and wanted to get home. He was quite willing to go on board a ship and learn to be a sailor. He could go aloft if he was not drunk. All he wanted was to get away from this country. He had stowed away a couple of times, but the Chinese always gave him away and he got put ashore.

His Honour said accused would have to get away from Shanghai. He would be locked up for two weeks, or until such time as arrangements could be made to ship him away. He would not get any liquor on board a ship so he would be alright.



AMERICAN CONSULAR COURT.

Shanghai, 10th August.

Before the Hon, JAMES L. RODGERS, Consul-General.

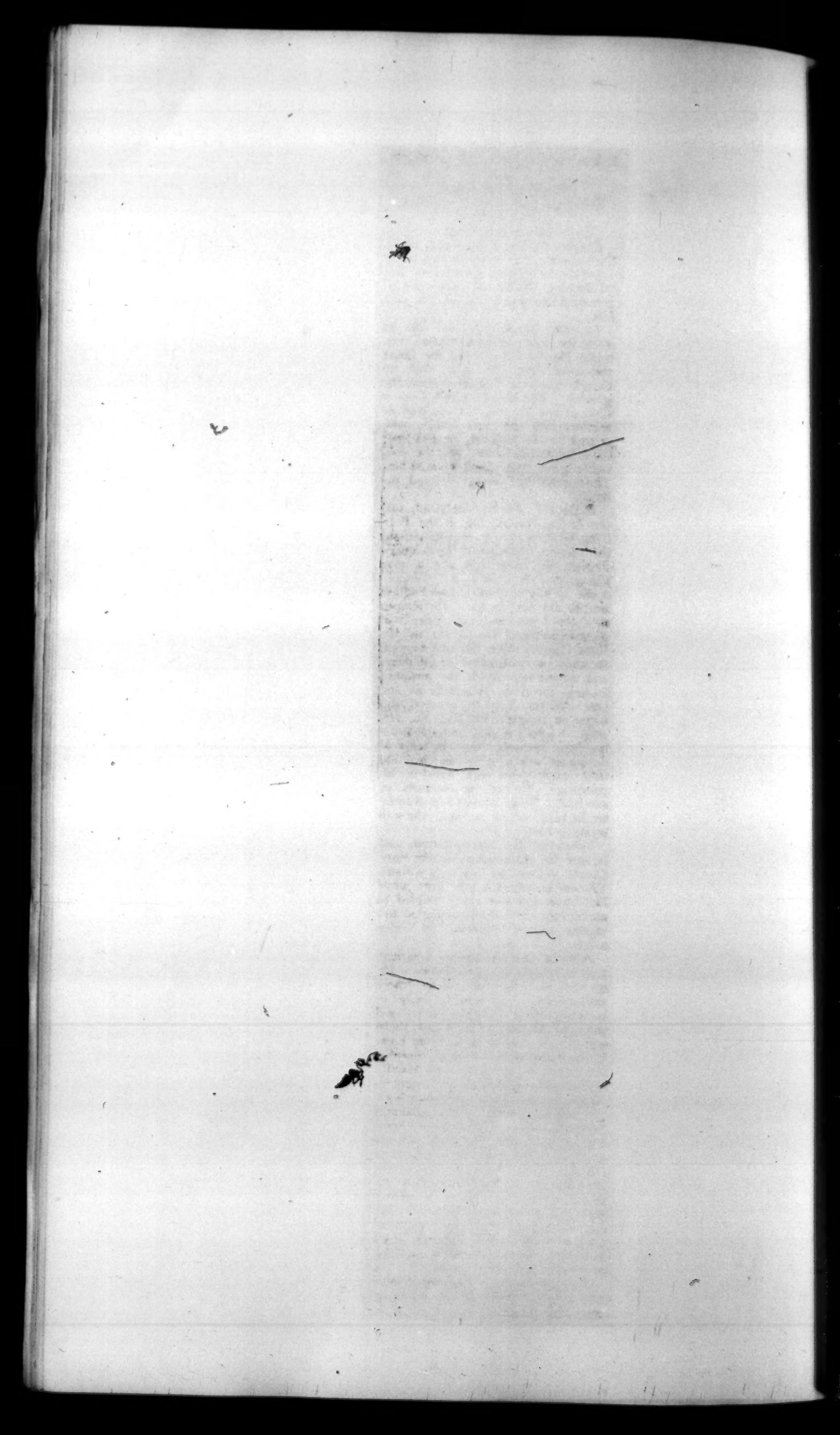
DRUNK AGAIN.

George Young, engineer, was charged with being drunk and incapable in the Seward Road at 11.50 p.m. the 9th inst.

Inspector Bourke, said the accused was brought to the station last night by Indian constable No. 252 in a drunken condition.

His Honour, to accused who appeared to be on the verge of delirium Tremens, so you have been drunk again have you ?—Yes, Sir.

His Honour said accused would be locked up for two weeks, and instructed the Clerk of the Court to send for Dr. Ransom to see the man as he seemed to be in a bad state.



AMERICAN CONSULAR COURT.

Shanghai, 11th August.
Before the Hon. JAMES L. RODGERS, Consul-General.

LOOKING FOR WORK.

Charles Green, unemployed, of no fixed abode, was charged with being found on the inclosed premises of No. 96 Bubbling Well Road, with intent to commit a felony at 2 a.m. on the 11th inst.

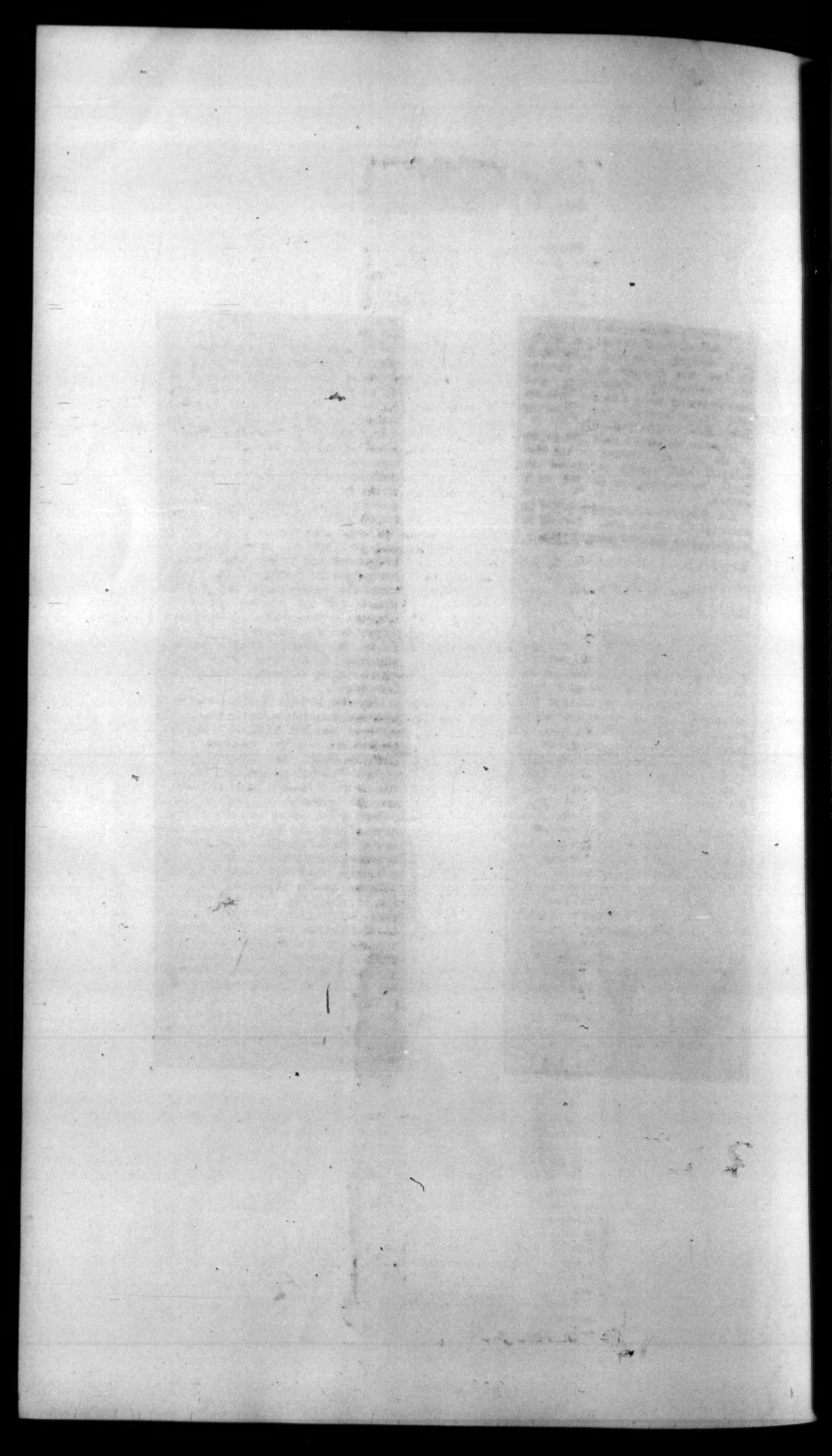
Inspector Mackintosh said that at about the time mentioned Indian constable No. 67 was passing the house mentioned when he saw what he thought to be a Chinaman inside the grounds. The constable called out in Chinese and English, but received no answer, and the man inside, who proved be the accused, jumped over the fence and ran away and the constable gave chase and captured him. The accused had not yet entered the house.

Indian P.C. No 67, cautioned, said that he had been on duty in the Bubbling Well Road. As he was passing the house mentioned, he looked through the fence and saw a man hiding on the verandah. Witness spoke to him in Chinese and English, but he did not answer. He jumped over the fence and ran away and witness pursued him as far as the Race Course, which the man entered. Another constable came on the scene and witness went inside the inclosure leaving the other policeman at the gate. Witness found the accused who began to struggle and P.C. No. 202 came in from the gate and assisted in arresting accused. He was taken to the station where he was searched and only a few cents were found in his possession. He had no weapons of any kind. When witness saw accused on the verandah he was near the wall trying to hide.

Indian P.C. No. 202, cautioned, said he saw the accused run into the Race Course pursued by the last witness. Witness remained at the gate while No. 67 went inside and attempted to capture the accused who struggled and witness assisted in placing him under arrest.

Accused said he was an American and belonged to Pennsylvania He arrived in Shanghai about three weeks ago. He stowed away in a transport at San Francisco and went to Manila. He heard there was lots of work to be had out East, but he had since found out his mistake. He had been put ashore in Manila, and stowed away again and went to Nagasaki where he was put ashore. He paid his passage to Shanghai in a Japanese steamer. He had been looking for work here, but could not get any. He knew no one here or had any friends. He wanted to get away from here and get to Nagasaki where he could stow away in one of the transports and get back to the States. He got drunk last night, and went to sleep on what he thought was a bench in a shed. He knew nothing until he was woke up by the coppers.

Three weeks imprisonment, or until such time as he could be shipped away from Shanghai.



RESCUING A PRISONER FROM CUSTODY.

J. Bell, of the Shanghai and Hongkong Building, Loan and Investment Co. Ltd. was charged on a warrant with unlawfully obstructing and forcibly taking away a native prisoner from Native Constable No. 772 on the Range Road on the 21st July.

Inspector McDowell said that owing to the principal witness in the case being ill and unable to attend the Court, he would like to ask for a remand.

His Honour said the case would be remanded till the 8th inst. Accused to be released on his own recognizance.

AMERICAN CONSULAR COURT.

Shanghai, 8th August.

Before the Hon. James L. Rodgers, Consul General.

A RESCIUE.

J. G. Bell, of the Shanghai and Hongkong Building, Loan and Investment Co., Ltd., was brought up on remand charged on a warrant with unlawfully obstructing and forcibly rescuing a native prisoner from the custody of Native Constable No. 772 on the Range Road on the 21st July. 1905.

Mr. F. M. Brooks, appeared for the defence.

Mr. Brooks said he had been informed that the charge was one of aiding to escape, now he was told that it was one of rescue. However, he was prepared to go on with it

J. G. Bell, sworn, said that he was an American citizen. He was born in Hankow. He had never claimed to be anything but an American citizen. He had lived here all his life. He had never been tried in the British Court. He had appeared there as a witness in a chip case brought against the Company.

Mr. Brooks, said he wished to enter a plea of not guilty.

Inspector Bourke, said that at about 7.30 p.m. the 21st July, a telephone message was received at the station from a resident in Haskell Road saying that a ricksha coolie had been beaten by a watchman employed by the Shanghai and Hongkong Building, Loan and Investment Company and taken into their grounds and hung up. The coolie was insensible and Mr. Green gave the head watchman in charge of a constable. Haskell Road was outside the settlement limits and Mr. Green and other residents paid for police protection. The constable took the prisoner and was proceeding along Range Road to the station when they were met by Mr. Bell, who told the constable that he had no right to arrest anyone on his grounds and he then took the man away from the custody of the policeman who remonstrated and blew his whistle, but the prisoner got away. The coolie was taken to the hospital where he was detained for several days. A Mixed Court warrant was issued for the arrest of the watchman but up to the present he had not been found.

Inspector McDowell, sworn, said that after the man had been released he went to see Mr. Bell and saw his brother who said the watchman had been dismissed for assaulting the coolie. Bell had an idea that he had sole control of Haskell Road and looked upon his watchman as a body of police.

John Green, sworn, said that he went home at about the time mentioned and saw a crowd of people near his door. He saw a wounded man and was told that a certain man had assaulted him. Witness saw the watchman and gave him in charge of P.C. No. 772 and then telephoned to the station of what had happened. The wounded man was in a semi-consious condition and was groaning. He was lifted into a ricksha and taken away. Witness did not see the assault himself. He heard of it and saw the man pointed out as the one that did it. He gave the man in charge so the matter could be investigated. Bell came to see witness later on and told him what

right he had to give the man in custody. He then told witness that he had either taken or assisted the man to get away from the constable.

By Mr. Brooks: I am not unfriendly with Bell. I wanted to have the man tried that committed the assault. I did not see Bell take the man away. I gave a man in charge and Bell later on said something about getting him away.

P.S. Johnston, sworn, said that at the time mentioned be received a telephone message from Mr. Green, saying that a coolie had been assaulted and was lying in the road. At 8 p.m. native P.C. No. 772 came to the station and reported that his prisoner had been rescued by a foreigner in Range Road. The coolie was also brought in, badly hurt, and was bleeding from the right leg and left arm. He was sent to the hospital where he was detained.

Inspector McDowell, recalled, said when the message was received from Mr. Green, he went to the charge room and saw the constable who stated that a foreigner had given a prisoner in custody and while going along Range Road the prisoner was rescued by another foreigner. Witness went to the spot and the constable pointed out where the rescue took place. Witness then went and saw Green and was told about the affair. A warrant was then procured for the arrest of the watchmen and it was then found that the man had left town. A brother of Bell then told witness that the watchman had been dismissed for committing the assault.

Native P.C. No. 772, cautioned said that some time ago a ricksha coolie took a fare from Bubbling Well to Haskell Road and was told to wait. Some of the watchmen told him to get off the premises and he refused to go, as he was waiting to get paid. They then began to strike him with stones.

Mr. Brooks here objected to the witness, but his objection was overruled by the Court.

Witness continuing, said he did not see the assault. He saw a foreigner catch hold of the man that committed the assault and the man was handed over to witness. They were going along Range Road to the station when they met the prisoner's master, who told witness that he had no right to arrest any of his men on the company's grounds. Witness told him that a foreigner had given the man in charge. The conversation with him was carried on in Chinese. The man was now in Court. (pointed out). He told the man that he had been sent for to take the prisoner in charge. The man took the prisoner away by force from witness in the Range Road. Witness objected and blew his whistle. The man threatened witness who tried to recapture the prisoner who had been dragged from witness by the man now in ourt. He stood in front of witness and prevented him from following the prisoner, who got away.

By Mr. Brooks: I cannot recognise the man that gave the prisoner in charge. He spoke to me in English and said he had seen the assault. He said a watchman had bambooed the coolie. He told me to take the man to the station. I had no warrant or permission to make the arrest. I did not see the assault. I did not make the prisoner drag the ricksha. A strange man pulled it. I don't know where he is. I am sure it was not the watchman. When Bell came along Range Road I had the prisoner by the queue. Bell asked me by what right I arrested his man. I said he was arrested by a foreigner who had given the man in charge.

Mr. Brooks said he wished to make a motion that the case be dismissed as there was no legal charge against his client. The man was not in lawful custody. The constable or Mr. Green did not see the assault. The police while being a fine body of men who did their duty well only had limited powers and did not have the right to arrest anybody unless they saw the assault committed. They first had to have a warrant from the Consul who had jurisdiction over the man who committing the offence. Mr. Green or anybody else had no right whatever to give any one in custody.

His Honour said the motion was denied.

J. G. Bell said he was the superintendant of the company's mill outside the settlement. He had a number of watchmen and employees. He knew nothing of the assault until he returned home from a drive at about 7.30 p.m. and he was then told that the watchman had been arrested. He went along Range Road and saw the watchman pulling a ricksha. Witness told the constable that he had no right to make the arrest. The watchman then dropped the shafts of the ricksha and went away. The constable did not blow his whistle. Witness then went and saw Green, who was in a nasty mood and he spoke about the assault. Witness hen told Green that he had taken the prisoner away.

By Insp. Bourke: I made no enquiries about the case. I went along Range Road and saw the prisoner pulling the ricksha. I told the constable that the police had no jurisdiction over our grounds.

A number of native watchmen, called, made long statements about the prisoner pulling the ricksha and some of them said the constable had the man by the queue while others said he was walking by himself. They all said that Bell did not touch the policeman the prisoner who was allowed to walk away.

Mr. Brooks then addressed the Court at some length. After which Inspector Bourke did the same.

His Honour said that there were two ways of doing things and Mr. Bell had taken the wrong way. There was a proper and improper way and he had adopted the improper way. He had got the prisoner away though he did not use force. As he had been put to considerable expense over the case he would in this instance treat him leniently and only fine $25 Gold and costs of Court.

INDEX BUREAU RECD. SEP 21 1905 DEPT. OF STATE

CONSULAR BUREAU. SEP 9 1905 DEPARTMENT of STATE

CONSULAR BUREAU.
NOTED

No. 32

Consulate-General of the United States,

SHANGHAI, August 12th, 1905.

Mr. James L. Rodgers,

To the Department of State.

CHIEF CLERK, SEP 8- 1905 Department of State.

Sept 18/05

Subject:

Death of Louis Alvarez.

Abstract of Contents.

Informs the Dept of the death by drowning of Louis Alvarez, a seaman on "Kohala" and transmits proceedings in the inquest held on deceased.

INDEX BUREAU SEP 19 1905 FILED

SHANGHAI, August 1933

No. 32

Consulate-General of the United States,

SHANGHAI, August 12th , 1905.

Honorable Francis B. Loomis,

Assistant Secretary of State,

Washington, D. C.

Sir:

I regret to have to inform you of the death by drowning of Louis Alvarez, a seaman on the American Barkentine "Kohala", which occurred on the 3rd instant.

Alvarez and another seaman were at the time of the accident, in a punt along side of the vessel doing some painting and in shifting their position accidentally upset the punt and both men fell in the river. One was rescued by the second mate, but Alvarez disappeared, having been washed under a raft. His body was recovered on Saturday, the 5th instant, and a coroners inquest held the same day, and the verdict rendered was that of Accidental drowning.

The deceased was 18 years of age, 5 ft. 7 in. high, dark hair and dark complexion and was born in Chili. A countryman of his gave the address of his sister as Senora Maria Alvarez, correo No. 2 Valparaiso.

His account with the vessel is as follows:

Wages 1 month and 29 days at $15.....		$29.50
Cash advanced at Portland.....	$ 2.50	
Slop Account.....	"12.50	
Cash at Shanghai Mex.$26.90.....	"12.62	"27.62
Balance due seaman		$ 1.88

As

5

F.B.L.#32--2.

As the vessel returns to a port of the United States, I have directed Captain Dedrick to deliver the clothing and effects belonging to the deceased and also the balance of wages due.

I enclose herewith the proceedings (in duplicate) in the inquest of Louis Alvarez.

I have the honor to be,

Sir,

Your obedient servant,

Jas L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

Enclosure: 1.

INQUEST.

Shanghai, 5th August.

Before the Hon. James L. Rodgers, Coroner, and Messrs. W. P. Boyd, J. M. Darrah and Geo. Wilkins, Jurors.

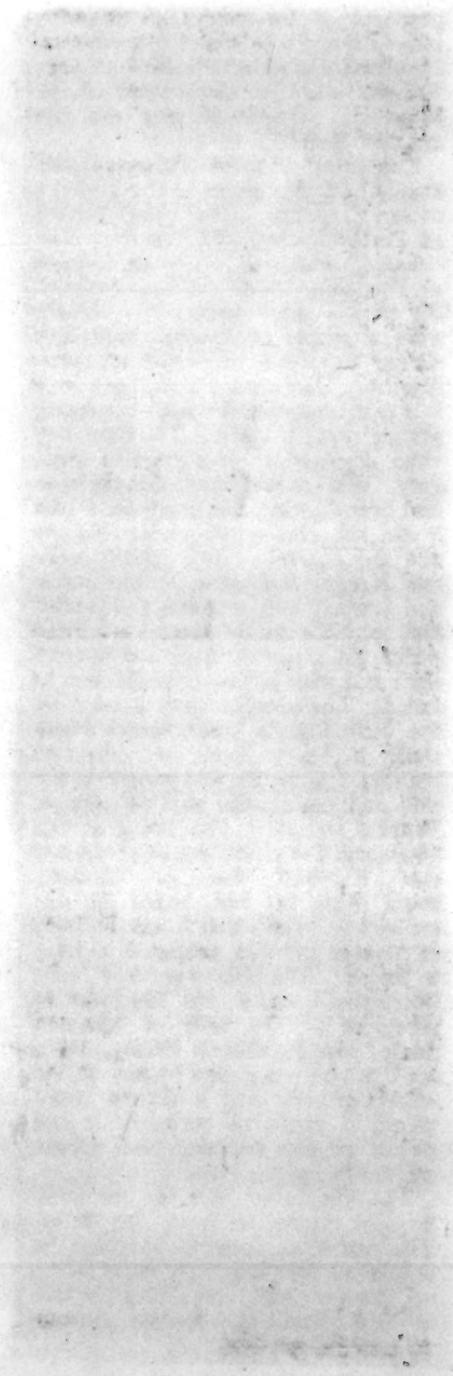
An inquest was opened at the American Consulate at 4 p.m. the 5th instant, into the circumstances of the death of Louis Alvarez whose body was found in the Huangpoo River at about 1 p.m. the 5th inst.

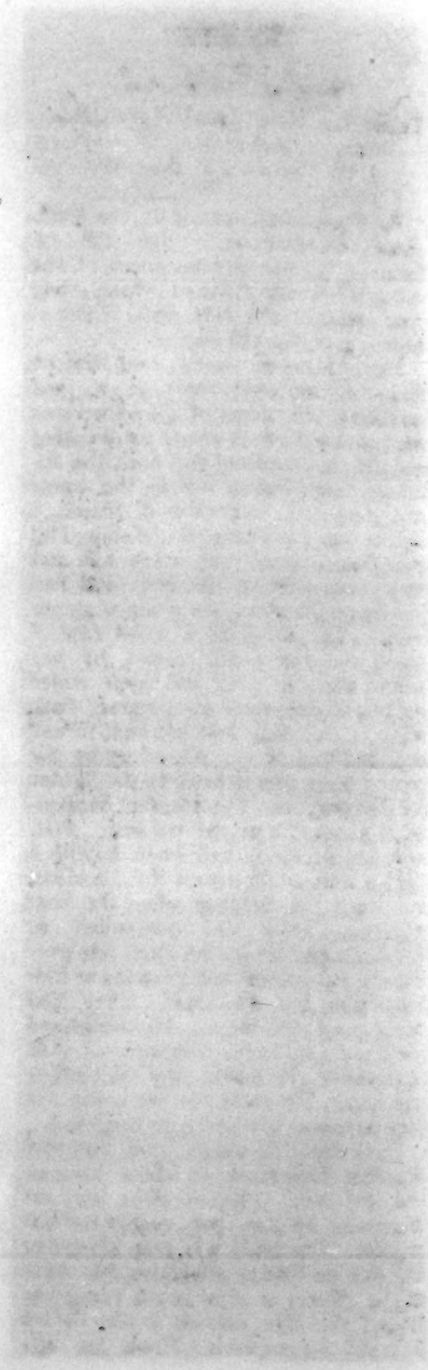
Henry Kruger, sworn, said that he and the deceased were in a punt scrubbing the sides of the American barquentine Kohala ready for painting and the punt capsized and both the deceased and witness fell in the water and deceased was carried under a lighter that was alongside the ship. The punt had a head and stern line and they were fleeting the boat and had just let go the stern line when a steam launch came along at a good rate of speed and the swell caused by her canted the boat over and some water got in and deceased and witness both went to one side and the boat turned over and witness was picked up by the second mate who jumped on the lighter for that purpose. The accident happened at about 10 a.m. the 3rd inst. Witness and deceased had been having a fight a little while before the accident, but were not fighting when the boat capsized. They had quarrelled as deceased had let go the stern line previously and witness had growled at him for letting go the rope. They had never quarrelled before. He recognised the body seen at the Mortuary as that of Alvarez. He knew it by the clothes and hair. He could not recognise the face as it was too badly decomposed.

D. G. Dedrick, sworn, said that the accident happened at about 10 a.m. the 3rd inst. The accident was not witnessed by any one except the last witness. The body was seen alongside the ship on Friday afternoon, but none of the officers or crew could recognise it and the tide carried it way before it could be secured. From the appearance of the clothes on the body, witness would take it as that of Alvarez. Deceased was about 18 years of age. Witness was the chief mate of the Kohala. Witness did not see the accident himself.

Captain F. K. Dedrick, sworn, said that he was the master of the Kohala, of San Francisco. The vessel loaded at Portland, Ore. with lumber. The deceased who was a Chilian, shipped at Portland. After he was drowned his clothes were taken aft. There were a couple of Spanish discharges among his effects. He could not speak English. Deceased and Kruger were in a punt alongside the ship scrubbing getting ready to paint. The duty they were engaged in was regular ship's duty. Witness had heard that the men had been fighting, but understood that it did not amount to much. No one saw the accident. The second mate saw Kruger struggling in the water and jumped into a lighter and picked him up, while the deceased was carried under the ship. A boat and sampan were sent after it, but it could not be found. The accident was caused by the wash from a steam launch which made a heavy swell and the men became frightened and jumped to one side and caused the punt to capsize. Witness had seen the body at the Mortuary, but could not say positively that it was that of Alvarez. From what he had heard he was inclined to believe that it was the body of Alvarez and was prepared to have it buried. The body was very badly decomposed and it was impossible to recognise it. The body of deceased floated past the ship on Friday, but it could not be recognised by any of the officers or crew and it floated away before it could be secured. It was picked up this morning and witness was notified of the fact.

The Jury after viewing the body brought in the following verdict:—That deceased came to his death by accidental drowning, caus d by falling out of a punt while scrubbing the side of the American ship Kohala at about 10 a.m. the 3rd inst.





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TELEGRAM RECEIVED IN CIPHER.

DEPT OF STATE
AUG
14
1905
ASSISTANT SECRETARY

CONSULAR BUREAU
AUG 14 1905

From Shanghai,
Rec'd aug. 13, 1905, 7:56 a.m.

Confirm both.
aak

Secretary of State
Washington

Confidential 2/10

In reply to your cipher telegram. Foreigners fear disturbances [by] irresponsible classes if the agitation continues. No change in the situation.

(signed) Rogers

INDEX BUREAU
AUG 24 1905
FILED

Ciphered by the Chief Clerk's Office,
Monday 12 M.
MCA

RECD. SEP 14 1905 DEPT OF STATE

No. 33.

Consulate-General of the United States,

SHANGHAI? August 14th , 1905.

File

Mr. James L. Rodgers,

To the Department of State.

CHIEF CLERK, SEP 14 1905 Department of State.

ASSISTANT SECRETARY, SEP 16 1905

Subject:

Valuations of taels used in Tsingtau.

Abstract of Contents.

Acknowledges Dept's #427. Gives valuations of various taels used in Tsingtau. Explains the reason of not making the report sooner.

INDEX BUREAU SEP 18 1905 FILED

No. 33.

Consulate-General of the United States,

SHANGHAI, August 14th , 1905 .

Honorable Francis B. Loomis,

Assistant Secretary of State,

Washington, D. C.

Sir:

In reply to Department's No.427 of February 21, 1905, addressed to Mr. James W. Davidson, requesting information as to the valuation of Tsingtau tael, I have the honor to report that there are four kinds of taels used in Tsingtau and their valuations as compared with Shanghai tael are as follows:

Kiautschow taels	(勝平)	1000	equals to	S.H.	taels	1061.57
Weihsien "	(濰平)	1000	"	"	"	1081.50
Chowtschuen "	(村平)	1000	"	"	"	1110.00
Tsinanfu "	(濟平)	1000	"	"	"	1081.80

Of the above, Kiautschow tael is the standard currency of Tsingtau and the rest only used for business transactions.

I regret that the report has not been made sooner but the fact is that the Department's despatch has been overlooked and only came to light this morning.

I have the honor to be,

Sir,

Your obedient servant,

Lester L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

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SHANGHAI, August 14th , 1905.

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Sir,

Your obedient servant,

Jas L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

No. 34

Consulate-General of the United States,

SHANGHAI, August 12th, 1905.

Mr. James L. Rodgers,

To the Department of State.

Subject:

re the Boycott Situation.

SEP 14 '05

INDEX BUREAU
SEP 29 1905
FILED

Abstract of Contents.

Reports that American Minister has informed Chinese Government of President's message. Lt. Train, "Quiros" has reported inflamatory publications were circulated in Chinkiang. Viceroy Chou Fu has promised to suppress such publications. President's message has also been transmitted to Nanking Viceroy and a reply is being awaited. No trouble in Shanghai, but an apprehension is felt that coolies would join the boycott agitation. There are about $8,000,000 gold worth of piece goods stocks in Shanghai. Under a continuance of existing condition a critical state of affairs is anticipated. Chinese merchants are suffering and foreign importers will assuredly feel the effect on settling dates. Total value of foreign goods likely to feel the effect in Shanghai alone has been estimated at $25,000,000 gold. Boycott has now spread to all sections. Damage done to American interests in Middle China is immense. Will report as often as possible.

BARBURI. aurae 116

Nov. 11. 0.

No. 34

Consulate-General of the United States,

SHANGHAI, August 12th , 1905.

Honorable Francis B. Loomis,

Assistant Secretary of State,

Washington, D. C.

Sir:

I have the honor to inform you that there is little change in the boycott situation, although the publication of the news that by direction of the President the American Minister at Peking had informed the Chinese Government that it would be held directly responsible for failure to insure the rights required by Article 16, of the treaty of 1858, has given great satisfaction to American merchants whose Chinese business is entirely suspended owing to this movement which certainly presents the aspect of being a combination in restraint of trade. The leading Chinese merchants of Shanghai and the outports, who are heartily sick of the boycott, also express pleasure on account of the American attitude which they say will compel the Chinese Government to issue such instructions as will cause the Viceroys generally to see that the movement is stopped.

The policy of the Viceroy of Chili, by which the boycott was effectually restrained north of the Yangtse, has been imitated to some extent by others, although no such good effect has followed. The Viceroy of this district, Chou Fu, whose official residence is at Nanking, has remained non-committal on the subject despite

all

all efforts to make him declare himself. It being represented to me by Lieutenant C. R. Train, Commanding the U..S. S. "Quiros" (Yangtse River gunboat) that publications of a damaging nature were being circulated at Chinkiang, and that the attitude of the people was unfriendly to some degree, I asked him by telegraph to see Mr. Gracey, Vice Consul in Charge at Nanking, and have him ascertain whether the Viceroy intended to take any action in such matters. Lieutenant Train has informed me that the Viceroy has promised to give the subject attention, and to try to secure the suppression of the inflamatory literature which is being printed in Shanghai. Upon the main question of the boycott his action has not to this date been satisfactory, and without some such position as that assumed by the Viceroy of Chihli, there cannot be much hope of a better state of affairs in and around Shanghai.

The information as to the United States Government purposing to hold China responsible for any infraction of the treaty of 1858, Article 15, has been communicated to the Viceroy at Nanking and I am now awaiting a report from Mr. Gracey upon the subject.

In Shanghai, while there is still no trouble or disturbance, there is apprehension as to the attitude of the irresponsible classes in event of the boycott movement being taken up by the coolies and others. There is much anti-foreign discussion among these elements of the community and a strike arising from the boycott agitation could easily be converted into riotous acts. It is recognition of this fact which has caused the representatives of all nationals to keep a close watch upon the situation and to take every precaution.

One

ASSISTANT SECRETARY
SEP 16 1905

Dept. #34--3.

One phase of the boycott movement which is disturbing to all business minds is the effect it is likely to produce upon the finances of this great centre of commerce. There are at the present time in Shanghai warehouses approximately 160,000 bales of American piece goods, valued at 12,000,000 Haikwan taels, or nearly $8,000,000 gold. The question of marketing this commodity, and of collecting the money therefore, under the present conditions, and with Manchuria closed, presents a very serious condition, and is apt to cause great difficulty not only to the Chinese merchants but also to the importers. Under a continuance of existing conditions a very grave state of affairs in this respect is certain to ensue.

CONSULAR BUREAU
SEP 18 1905
DEPARTMENT OF STATE

What is true of piece goods is also true of all other lines of staple products. The market has been overstocked and now nothing is moving, and while the Chinese merchants are now suffering, the foreign firms will assuredly feel the effect on the settling dates. The total value of foreign goods likely to feel the effect of this boycott movement in Shanghai alone, has been estimated conservatively at twenty five millions of dollars gold.

As reported in my despatch No.31 of August 11th, the boycott has spread to all sections, except north of the Yangtse River, and in that region the boycotters are now sending emissaries in defiance of the injunction of the Viceroy of Chihli. The damage done to American interests in Middle China alone is immense and even if the movement should be ended at once it will take years to restore the former conditions, owing to prejudices which cannot be readily dispelled.

I

One phase of the boycott movement which is disturbing to all business minds is the effect it is likely to produce upon the finances of this great country. There are at the present time in American warehouses approximately 150,000 bales of piece goods, valued at 12,000,000 Haikwan taels, or nearly $8,000,000 gold. The penalty of murdering this commodity, and of delaying the money therefore, under the present conditions, and with Shanghai closed, presents a very serious problem, and is apt to cause great distress not only to the Chinese merchants but also to the importers. Under a continuance of existing conditions a very large number of affairs in this region is certain to close.

What is true of piece goods is also true of all other lines of staple products. The market has been overstocked and now nothing is moving, and while the Chinese merchants are now suffering, the foreign firms will eventually feel the effect on the returning tides. The total value of foreign goods likely to feel the effect of this boycott movement in Shanghai alone, can been estimated conservatively at twenty five millions of Haikwan taels.

As reported in my despatch No. 82 of August 11th, the boycott was spread to all sections, except south of the Tangtze River, and in that region the Commissioners also were pushing measures in defiance of the injunction of the Viceroy of Chihli. The Tsungli Yamen and American interests in Peking think alone in Amoy, and even if the measures should be ended at once it will take years to restore the former conditions, owing to prejudices which exist to-day throughout.

Dept.#34--4.

I will report as frequently as possible upon the general condition.

I have the honor to be,

Sir,

Your obedient servant,

Jas. L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

No. 35.

Consulate-General of the United States,

SHANGHAI, August 15th, 1905.

Mr. James L. Rodgers,

File

To the Department of State.

CHIEF CLERK,
SEP 14 1905
Department of State.

ASSISTANT SECRETARY,
SEP 16 1905

Subject:

Boycott.

Abstract of Contents.

Transmitting leading editorial of Shanghai Times on the subject. Reporting the positions of foreign papers published in Shanghai.

INDEX BUREAU
SEP 16 1905
FILED

No. 35.

Consulate-General of the United States,

SHANGHAI, August 15th , 1905 .

Honorable Francis B. Loomis,

Assistant Secretary of State,

Washington, D. C.

Sir:

I have the honor to enclose for the information of the Department the leading editorial of the Shanghai Times of this date. The letter printed therein has caused agreat deal of comment in Shanghai since it seems to expose a condition of which proof has been lacking. There does not seem to be a doubt as to its authenticity. The Shanghai Times is owned by an Englishman, edited by an American, and during this boycott agitation has pursued a fair course, a record which is not possessed by the North China Daily News (British). Until recently the Daily News encouraged the boycotters but is now advising against the movement which is harmful to British trade. The evening papers of Shanghai are the Mercury and the China Gazette. The first is used largely for promotion schemes and is pro-Chinese to the detriment of American interests although its ownership is practically American. The second is strongly pro-Russian and never loses an opportunity to attack the Japanese.

There is no change in the boycott condition, except that efforts are now being made to suppress the anti-American literature and placards.

I have the honor to be, Sir,

Your obedient servant,

Jas. L. Rodgers

1 enclosur

AMERICAN CONSUL GENERAL.

Arnold J. Toynbee.

THE SHANGHAI TIMES
(Daily)
SPORT AND GOSSIP
(Sunday)
PUBLISHED EVERY MORNING AT
9, KIUKIANG ROAD,
Shanghai, China.
Telegraphic Address—TIMES.
Telephone 225.

TUESDAY, 15TH AUGUST, 1905.

CHINA'S FUTURE.

When the fair dove of peace finally settles over the Orient, it is reasonable to anticipate a great awakening movement in China. In fact, it is evident to-day that China is slowly arousing from her slumber of centuries. Her people, from the highest to the lowest coolie, appear to have found the rejuvenating elixir of life. Before the present war, the Chinese Government was ready, nay anxious, that the building of her great railroads, the avenues to immense trading communities, should be performed by foreigners. The Central Government was powerless to supply the necessary funds, while the people were not sufficiently alive to the benefits to be derived. The result was that concessions were granted to Americans, Britishers, Germans, French and Belgians. Within the p[illegible] few months, or since Japan has been riding on the top wave of success, strange to relate, the Chinese have become more patriotic, or the war has brought unlimited wealth to them. They would build their own railroads! To the dogs with foreign money, is their cry. Now we do not dispute that there is ample money in China to cover the country with a network of railroad lines. But we do maintain that the Chinese are so suspicious of the honesty of their own countryman that they prefer to keep their wealth in banks,

where thieves rarely break in and steal. Therefore the independent spirit manifested by the Chinese is all the more remarkable. Fortunately, we are in a position to shed a ray of light on the subject. The following is the translation of an official letter addressed by the Japanese Acting Consul-General at Shanghai to the Board of Foreign Affairs in Japan on the 2nd of August, 1905, and is self-explanatory:—

"With regard to the railways in the province of Chekiang, the Board of Trade Association of Hangchow has been asked several times by Mr. Bash for permission to supply the necessary capital.

"The distance from Fu-Yang-Hsien (Hangchow) to Chsong-San-Hsien is about five hundred li.

"On the 31st of July, Mr. Wong Kong-Nien came to see me for the purpose of discussing the ways and means of raising money for building the railways in the whole of the Chekiang province, and he said that the provisional agreement regarding the line from Soochow to Ningpo via Hangchow must be cancelled. A telegram was sent to the Wai-wu-pu in Peking asking that this matter be settled.

"Wong Kong-Nien said that the railways of Chekiang should be financed by the people of that province, but it being a difficult matter to raise so great an amount of money among the natives of Chekiang, it becomes necessary to secure a foreign loan to complete the work.

"The same evening, I gave a dinner to Wong Kong-Nien and his friends, namely Chang Jeh-Sung, Shiah Sui Ching and Yih How-Wu, in order to show our good feeling towards them, and I promised them that whenever they are really unable to raise the money

to construct the line, then I would be much pleased to recommend to them a reliable merchant who can execute a loan for them, but it is to be understood that in order to facilitate matters the Engineers are to be engaged by the lender.

"Wong Kong-Nien also said that what M . Bash has asked for will never be granted or any other concession in the Chekiang province. Although the Board of Trade Association of Chekiang might grant the request, still it cannot be considered as granted by the populace of Chekiang."

Excellent reading the above letter makes to Americans and Britishers interested in the trade of China. It explains in so many words the reason for the recent examples of Chinese arrogance and independence.

It may be of interest to explain just who the gentleman referred to by the Japanese Consul-General are:—Mr. Bash is an American citizen, and one of the original concessionaires of the Canton-Hankow Railway.

Mr. Wong Kong-Nien is the Managing Editor of the "Universal Gazette", and has close relations with Proprietor (!) Hori of the "Eastern Times", the Shanghai correspondent of the Osaka "Asahi," The "Eastern Times" is an entirely Japanese paper. The "Universal Gazette" is part Japanese. Mr. Wong's brother is one of the Secretaries of the Wai-wu-pu in Peking.

Mr. Chang Jeh-Sung was the Managing Director of the Nanyang College, where recently a number of Japanese professors have been installed and the American teachers discharged. He is one of the managers of the Commercial Press now run by Japanese capital.

Mr. Shiah Sui-Ching is the principal shareholder and Editor of the "Universal Gazette".

Mr. Yih How-Wu is a former student from Japan, and one of the principal writers of the "Universal Gazette."

To the man in the street there is more than a coincident between the repudiation of Mr. Bash's agreement and the American boycott.

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ASSISTANT SECRETARY
SEP 16 1905

No. 36

SEP 16 1905

Consulate-General of the United States,

SHANGHAI, August 15th , 1905.

CONSULAR BUREAU
SEP
18
1905
DEPARTMENT OF STATE

Mr. James L. Rodgers,

To the Department of State.

CHIEF CLERK,
SEP 14 1905
Department of State.

Subject:

Boycott.

To Secy Lodge. Sept 19/05

Abstract of Contents.

Informs the Dept. of the Viceroy's statement on the above subject.

3 Encls 12/15 F.S.

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SEP 22 1905
FILED

No. 86.

Consulate-General of the United States,

SHANGHAI, August 15th , 1905.

Honorable Francis B. Loomis,

Assistant Secretary of State,

Washington, D. C.

Sir:

I have the honor to inform you that the report of Mr. Gracey, Vice Consul in Charge at Nanking, upon the subject of the representation of the boycott condition to Viceroy Chou Fu, has been handed to me, and that a similar report has been made to the Department. I have no comment to make thereon except that the statement of the Viceroy that he has been in ignorance of the situation and the seriousness of the matter is absolutely untrue, he having been repeatedly advised from Peking and from the Shanghai Customs Taot'ai, Yuan. In interviews which have appeared in the native, as well as the English press, he has shown his thorough knowledge of the boycott movement, and his disinclination to suppress it. His attempts to evade the question have been notorious, and his failure to act has been largely the cause of the development of the agitation of the present. It remains to be seen what dependence can be placed upon the promises of one who now assumes such an attitude which will appear ridiculous even to his own people.

Every effort however will be made to induce immediate action on his part.

I have the honor to be, Sir,

Your obedient servant,

Jas. L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

The Assistant Secretary.

....., 1905.

Mr. Carr:

Send to the President.

FBL

No. 4

Consulate-General of the United States,

SHANGHAI, August 17th, 1905.

Mr. James L. Rodgers,

To the Department of State.

Subject:

re the Boycott Movement.

Abstract of Contents.

Transmitting report on boycott placards in Shanghai and clippings from the North China Daily News.

CHIEF CLERK,
SEP 21 1905
Department of State.

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SEP 27 1905
FILED

No. 4

Consulate-General of the United States,

SHANGHAI, August 17th , 1905.

Honorable Francis B. Loomis,

Assistant Secretary of State,

Washington, D. C.

Sir:

I have the honor to transmit herewith a report made to me by Mr. J. H. Arnold, Interpreter of this Consulate, on the subject of the Chinese placards against American goods in Shanghai.

I also enclose in duplicate clippings from the North China Daily News of this date, these representing well the situation and the opinion concerning the boycott movement.

I have the honor to be,

Sir,

Your obedient servant,

Jas L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

Enclosures:

1. Mr. Arnold's report.
2. N. C. Daily News' clippings.

CHICAGO, August 17th, 190 8.

Prentiss B. Gaskill,

Chairman Executive Committee,

I have the honor to transmit herewith a report made to me by Mr. C. C. Arnold, Inspector of Buildings, on the subject of the Chicago Cleaning Company premises in Cherokee.

I also enclose in duplicate clippings from the Herald during July news of this date, these newspapers will the allegation and the opinion concerning the Company.

I have the honor to be,

Yours obedient servant,

Chairman Executive Committee.

Enclosures:

1. Mr. Arnold's report.

2. N. Y. Daily News' clippings.

Hon. Jas. L. Rodgers,

American Consul General,

Shanghai, China,

Sir:-

Acting under your instructions, I made a tour of investigation through the Chinese district in the settlement and thru a portion of the native city, for the purpose of finding out the character and extent of the Boycott placarding.

I found - (1) that about 10% of the Chinese shops in the district south of Nanking road extending through the French Concession to the Native City are placarded - (2) That about 90% of the shops in the native city are placarded - (3) That very few of the shops either north of Nanking road, or in Hongkew are placarded - (4) That where placards are posted about 90% contain nothing more than the statements - (a) positively shall not buy American goods - (b) positively shall not use American goods - (c) positively shall not buy or sell American goods - (5) That the placards containing these statements are generally placed in very conspicuous places, printed or written in large, bold type on red paper - (6) Of the remaining placards, the most common is one printed in large bold type on paper 18 inches by 10 inches, translated reads, " In order positively to retaliate against the American treaty, you cannot buy or sell American Goods. If you buy or sell American Goods you are lower than a pig or a dog." These placards are numerous, generally posted up two or three together and in most conspicuous places. - (7) Among the less conspicuous are (a) "Determined Chinese do not buy American goods, those lacking in determination wish to buy American goods - these are truly ten thousand times over "stinking turtles" (The word turtle does not appear; an illustration of a turtle appearing instead-

(b) " If I smoke American Cigarettes I am of the species (here illustration of a dog smoking a cigarette labelled "Pin Head". (c) If you smoke "Pin Head" cigarettes then this is your photograph (here an illustrated turtle) - (d) Those who use American goods are painted thus (here illustration of a turtle)- (e) America cruelly prohibits Chinese laborers, thus oppressing our brethern. This not only wounds our national pride but brings disgrace upon our people. From the I8th. day of the 6th. moon determined students in Shanghai and out ports have decided positively not to use American goods, as a means of retaliation. Even the women students determined to follow, arose up and decided positively not to use American goods. It is feared that there are some who do not take this matter seriously (~~enough~~) and continue to use American goods. If you use American kerosene and "Pin Head" cigaretts you cannot bring about united action. Foreigners will then not only slander and make fun of us but our men will then become less than women (i. e. cowards) . It is on this account that these placards are sent everywhere respectfully to inform our brethern with the hope that ganuine sincere action may ensue. There are those who are not informed; these are in turn to be encouraged to exert their influence. May fortune be with our public welfare, may fortune be with our people! " Respectfully addressed to the United Merchants. (f)"Chinese laborers in America are treated with great harshness. Indeed, to explain the terrible state of affairs, there is beyond the power of my pen. The heart of Mr. Tseng, an upright man, was, therefore, filled with pity, so that he has taken the lead in devising retaliatory measures, and with the intention of relieving their distress, the boycott of American goods was discussed and was decided to be a most advantageous measure. It has been debated again and again and must now be put into execution. Fearing lest all in the cities and country are not yet aware (of this movement), this circular placard is issued. Do not use Am-

erican goods. Let each one take retaliatory measures. The public is hereby informed that American goods consist for the large part of coarse and fine prints, Pin Head cigarettes, Devoe's oil, soap, woolen goods, and odds and ends. When any other goods come to light, notice will be given. The various goods above mentioned are not novelties. All of these goods may be manufactured in China. In the case of kerosene oil there is a new brand on the market; will not it give light as well as the Standard Oil? It is hoped that all Chinese will consistently refuse to buy American goods. Fathers must instruct their children, elder brothers must exhort their younger brethern. Let each one tell his neighbor, so that ten may infect one hundred, and one hundred a thousand; thus China's four hundred millions may join their forces; thus strength may come where weakness was, and the start be accomplished. In any affair all that is necessary is a stout heart; by it, mountains are shaken, and the seas enlarged. The Americans are already alarmed. They realize their mistake. As they see no way to make profits they have suddenly changed their tactics. If they repudiate the (old) treaty international affairs may resume their former relations. Thus the position of the Chinese laborer may be changed from one of peril to one of peace. You are therefore exhorted to use every endeavor in this matter.

American goods are markedthus;

United States,
United States of America,
U.S.A.
U.S.of America.

The following are American firms;
Fearen Daniels and Company.
American Trading Company.
Chinaand Japan Trading Company.
Mustard and Company.

The following is a list of trademarks and chops;

(This list covers piece-goods, underwear, electric belts, rubber shoes, sewing machines, flour, medicine, cigars, perfume, oil, candles, cigarettes, and soap)

There are still other varities of placards, but I beleive thatthese mentioned will serve suffiesently to illustrate the

nature and scope of the of this boycott placarding.

I am,

Sir,

Your obedient servant,

Julean H. Arnold.

Interpreter to the American Consulate

Shanghai, China; August 16th 1905.

Interpreter to the American Consulate
Shanghai, China, August 15th 1906.

The
North-China Daily News.

IMPARTIAL NOT NEUTRAL.

SHANGHAI, 17TH AUGUST, 1905.

THE BOYCOTT.

WE asked the other day whether the Chinese merchants here did not think the boycott had gone far enough; their answer practically is that it has gone not only far enough, but a great deal too far, for it has got beyond their control altogether, the reins having been taken up by a crowd of irresponsible students and talkers, who are full of patriotism because they have nothing to lose but their heads, which in a sense they have lost already. The boycott has spread so dangerously in the country, urged on by inflammatory posters, and pictures, and pamphlets, in which Americans are reviled almost in the fashion of Chou Han, and terrible stories are told of the cruelties practised on Chinese immigrants at American ports and other places, that we understand that unquestionably English goods are now being returned from the country as unsaleable, because they were imported here by a firm supposed to be American. We are glad to know that the Waiwupu has telegraphed orders to H. E. Chou Fu, the Viceroy at Nanking, to use every effort to suppress the boycott in his jurisdiction. The Diplomatic Body generally has taken up the question, and when our Taotai returns, he will be asked to explain why it is he has not ordered the issue here of the anti-boycott proclamation, similar to that issued at Wuhu, which the magistrates at Sungkiang, which is within his honour Yuan's Taotaiship, have put forth there. We understand that the Chinese merchants here have asked the General Chamber of Commerce to assist them in undoing the work they so imprudently inaugurated, but the movement has become so general now that the Central Government, through the provincial authorities, must put it down. Peking must be made to realise the gravity of the movement, which from being anti-American, is becoming anti-foreign and anti-dynastic. H. E. Yuan Shih-k'ai has suppressed it so thoroughly in his jurisdiction that the Chinese merchants at Tientsin are now ordering from America direct goods which would otherwise

have been imported from Shanghai, and the Japanese administration at Newchwang will have none of the boycott on any account. Our Taotai when he comes back must be made to understand that unless he suppresses the boycott here, it will infallibly bring on the most serious financial crisis that Shanghai has experienced, with heavy losses to foreign, and losses that will mean ruin to native, merchants and bankers. A very heavy responsibility rests on Viceroy Chou Fu; what Yuan Shih-k'ai has done he can do, and he is expected to do it promptly, every day's delay increasing the danger. Two thoughtful letters on the boycott will be found in our columns to-day, both written by American citizens. Mr. Grafton repeats what we have said more than once; that the threat of the boycott was effective, as the American papers show, in making the Americans realise the injustice that has been done for years by "asinine immigrant inspectors;" but as soon as President Roosevelt and the American people understood how the provisions of the Exclusion Act were being abused by the inspectors, strict injunctions were issued to these inspectors to change their attitude altogether. If the former treatment of the exempt immigrants justified the threat of the boycott, the present position does not justify for a minute the dangerous anti-foreign complexion that the boycott has now assumed, as we are sure Mr. Grafton himself would now concede.

The letter signed "Onlooker" gives a very forcible yet temperate presentation of the other side of the question. That there has been a great deal of fraud in the past on the part of the Chinese is undoubted, but there is unfortunately reason to believe that in many cases these frauds were connived at by American officials on this side of the Pacific. It is important, too, for the Chinese who are now raging against their best friends, the Americans, to remember that, as "Onlooker" points out, "while the charges of harsh, humiliating, and discriminating treatment of the Chinese in entering the United States are, in many cases, well founded, the Chinese have as much liberty in the country, after they once pass the Custom-house, as they would have in any other country in the world—much more than they enjoy in their own country." "Onlooker" goes on to remind the Chinese—and it ought not to be necessary to remind them—of what the Americans, as a people

and as individuals, have done for their elevation. An enormous stream of American money, freely sent without any idea of putting the Chinese under an obligation, pours steadily into China for the maintenance of schools, hospitals, and other charitable objects. Not only is this very boycott in its methods the fruit of American teaching, but many of its hot-headed promoters and supporters have received their education in American Schools, and are now biting the hand that fed them. "I will not dwell," says our correspondent, "on the American Government's stand for the preservation of China's integrity while most of the world was planning the partition of the Empire, nor on the many other acts of constant friendship (contemplated return of Boxer indemnity, for instance,) that the Great Republic has shown to this country." Indeed, as we have said already, no Foreign Power has been a better friend to China in the past than the United States has been, and than hundreds, or rather thousands, of Americans in China are showing themselves every day.

The boycott in the form it has now assumed is a phenomenon of madness that must be crushed by the power of the Government, whose sincerity will necessarily be judged by the result of its efforts to crush it; and it must be crushed promptly, or injury will be done which it will take months or even years to repair.

THE BOYCOTT.

To the Editor of the
"North-China Daily News."

Sir,—Your able editorial of the 24th of July on "The Boycott," together with the letters of "An American" and "Common Sense" here presented the matter in such a way that every unprejudiced mind is forced to see the righteousness of the Chinese complaint. Permit me to say a few words in reply to one of the letters on the other side.

"H. H.," on the 22nd of July, shows a real sympathy for the Chinese, "admitting that they have much to complain of." He disapproves of the boycott however as "hasty" and "ill-advised" and declares that they "will be morally guilty of all the ills which may ensue as a result of this unhappy controversy." He further speaks of the "assurances" that when the U. S. Congress meets the matter will be settled in a way "satisfactory" to both nations.

Now, let us put ourselves in the place of the Chinese and consider these various points.

Is the boycott a "hasty" action? The movement may truly have started quickly and spread rapidly, but that by no means proves that it was hasty, in the ordinary sense of the word. When after hours of torment a naturally good-natured dog turns and bites the boy who is the persecutor, the dog's action cannot by any manner of means be called "hasty," no matter how unsuspected it may be. Now, how long has China been enduring the insults offered to her citizens? We have seen for many years protest after protest which has been of no avail. How much longer will the Chinese have to wait, pray, before any action will be free from the stain of "hastiness"?

As to its being "ill-advised," look at its results. The object of the boycott is to reform the evil and that can only be accomplished by creating a public sentiment in America against the outrages at which it is aimed. To read that some Chinese claiming to be gentlemen and scholars were turned back at San Francisco would make little or no impression upon the average American. If he thought of the matter a second time he would probably conclude that the Chinese were rascally laundrymen and deserved worse punishment than mere disappointment. But when American people are struck near the pocket-book (as with all other nations) there is sure to be a disturbance. Appeals for justice and fairness are abstract things on which it is hard to fasten the mind. This "ill-advised" boycott has struck the American people in a very vital spot and the result is a squall that is making itself heard and felt all over the nation. If the Chinese originators of the boycott could know the tremendous effects of this "ill-advised" action on the American Press they would be astonished and could truly say to such other "we builded better than we knew." The "Literary Digest" of the 24th of June contains quotations from many of America's leading dailies, some of which fairly boil over in their denunciation of American treatment of Chinese. Will "H. H." please tell us some

effective line of action that could be well-advised? Let him remember that all plans hitherto tried have failed.

Now, as to the Chinese being "morally guilty of all the evils that may ensue." Surely the writer cannot maintain this position. Reverting to the above figure I would remark that the only person who would hold the dog "morally guilty" would be the boy who forced him to bite; and even then the boy would be a pretty hopeless case if even in the sting of his wound he failed to recognise the dog's side of the question.

The "assurances" spoken of are very poor consolation for the Chinese in the light of the past. If "H. H." will again read the Treaty of 1880, even with the amendments of 1894, he will see that the Chinese have had "assurances" for the last twenty-five years. Can they be called "hasty, ill-advised," etc., if they want a little change?

My fellow-Americans are invited to consider the following editorial from the "New York Evening Mail": "We have been brutally assuming, more in the way our Chinese exclusion law is enforced than in its terms, though the law itself is harsh and out of harmony with our treaty with China, that we can bully the Chinese as much as we please, because they cannot do anything to us. It has now been discovered, however, that the Chinese can do something. They can refuse to buy goods of our manufacture or to employ American steamships for carriage. They have acted in the matter, and our manufacturers and merchants are pretty thoroughly alarmed. . . . What do the Chinese ask? Not for a moment that their coolies shall enter this country in competition with our labour. All that they demand is the right of entrance for traders, students, and gentry. These classes were all guaranteed entrance by our treaty of 1880. And it is precisely these classes that are now being subjected to annoyance by asinine immigrant inspectors."

I am, etc.,

T. B. GRAFTON.

Kuling, 5th August

To the Editor of the
"NORTH-CHINA DAILY NEWS."

SIR,—We have heard much of late about the "humiliating," "discriminating," and "cruel" treatment to which the Chinese have been subjected in the United States, and the justification of the existing boycott as an act of retaliation.

There is no one who deprecates the harsh treatment which has undoubtedly been accorded the Chinese at several Custom-houses in the United States more than the writer of this letter; but are there not two sides to this question, as there are to almost every other question? Have the Chinese not done much, by their cunning fraud, to incur the suspicion and discriminating treatment of which they so bitterly complain? Have not many coolies entered the United States as traders in the past twenty years? It is beyond doubt that very many new Chinese immigrants have passed the inspecting officers on certificates issued to old residents entitling them to visit China and re-enter the United States. In some cases the applicant has come to China and never

returned to America, but has disposed of his "pass" for a consideration: in other cases he has not left America at all, but has sent his certificate on to Hongkong or to Canton to enable a friend or a relative to make use of it. Eighteen years ago, in crossing the Pacific in the Gaelic, I found much amusement in listening to the "coaching" of Chinese coolies in answers that they were to give to the Customs officials on arrival at San Francisco: they had never been in the United States, but I have no doubt that they learned their lessons so perfectly that the then unsophisticated inspector admitted them readily as returned settlers. At least, I did not hear of any being turned back, and I made inquiries in that connection.

While the charges of harsh, humiliating, and discriminating treatment of the Chinese in entering the United States are, in many cases, well founded, the Chinese have as much liberty in the country, after they once pass the Custom-house, as they would have in any other country in the world—much more than they enjoy in their own country.

We often hear of the ingratitude of the Chinaman: is the present boycott not proof of the almost universally-accepted opinion that the Chinese, as a race, are incapable of true gratitude? Granting, as I most certainly do, that the natives of this country are justified in feeling aggrieved at the treatment that their countrymen have received in the United States, have not the Americans, as a people, and as individuals, done, and are doing, more for the elevation of the Chinese than any other nation? Just reflect on the enormous stream of money that is coming steadily to these shores from the United States for the maintenance of schools, hospitals, and other works of charity. Not to speak of the small army of men and women who are striving to improve the condition—spiritually, mentally, and physically—of the people of this vast Empire; among whom may be mentioned Gilbert Reid, Hawks Pott, Arthur H. Smith, and a host of others, who might demand large incomes at home in the Church or lecture field, or in medicine and surgery. As has been remarked in your columns, this very boycott is the fruit of American teaching. This, in itself, is more than sufficient to counter-balance all the ill-treatment of the Kings at Boston, and of other Chinese at San Francisco by the Customs officials. I will not dwell on the American Government's stand for the preservation of China's integrity while most of the world was planning the partition of the Empire, nor on the many other acts of constant friendship (contemplated return of Boxer indemnity, for instance) that the Great Republic has shown to this country. They are all, apparently, forgotten by the Chinese, or they would not persist in their boycott of things American in the face of the almost promised conciliatory treaty revision.

By the attitude of the Chinese at the moment they would seem to believe that America is the only country in the world guilty of discriminating or humiliating treatment of their countrymen. Are they not aware that a poll-tax of £100, and upwards, is levied on every Chinese immigrant into Australia? Besides the poll-tax they are subjected to the same humiliation of being examined, photographed, etc., which they experience in San Francisco. Are the Chinese unrestrictedly admitted into Canada? Are they treated by the Dutch in their colonies in the same manner that white residents are governed? Is there any discriminating or humiliating treatment of them at the mines in South Africa? Do they have the full liberty of movement and residence there that they enjoy in "cruel" America? I think not. I remember that the Reverend Arnold Foster denounced the Rand coolie scheme as abject slavery. Again, are the Chinese coolies wanted, or tolerated, as competitors of white labourers anywhere? If the Chinese boycotters would reflect a little on these points (badly put I admit), they might conclude that they, themselves, have carried discrimination a little too far.

As far as cruelty is concerned, the Chinese are past masters in the art. A reflection on the officially-approved barbarous cruelty with which many Americans and Europeans were treated in the summer of 1900 ought to for ever shut the mouths of the Chinese on that subject. The world can never know all the cruelty (too shocking to be described in print) which those unfortunate people who were working for the uplifting of China and the Chinese then suffered.

Thanking you for the insertion of this letter in your esteemed journal,

I am, etc.,

ONLOOKER.

15th August.

CONSULAR BUREAU
SEP
1905
DEPARTMENT OF STATE

No. 37.

Consulate-General of the United States,

SHANGHAI, August 17th , 1905.

Mr. James L. Rodgers,

To the Department of State.

Ask Treasury
Transmitted
Sept 22/05
Ans Dec 26/05

Subject:

Landing Certificates.

Abstract of Contents.

Requests instructions regarding sworn statement of Agents of steamship in lieu of oath of master and mate.

CHIEF CLERK.
SEP 21 1905
Department of State.

CONSULAR BUREAU
VOL. 2 1905
FILED

No. 37.

Consulate-General of the United States,

SHANGHAI, August 17th , 1905.

Honorable Francis B. Loomis,

Assistant Secretary of State,

Washington, D. C.

Sir:

I have the honor to transmit herewith copy of a communication received from the American Cigarette Co. Ltd., relative to the oath of the master and mate of vessels exporting from the United States merchandise on which a drawback of duties or allowance is payable by reason of such exportation.

Paragraph #725 of Consular Regulations permits the Collectors of Customs to accept the sworn statement of the Agents of steamship lines in lieu of the oath of master and mate of the vessel, in all cases where exportation is under the Internal Revenue Laws. The large steamers which arrive here from the United States anchor at Woosung which is 14 miles from Shanghai and it is seldom that the master or mate comes to Shanghai. It is therefore very difficult to secure their signature and oath, and it can not be done during the short stay of the steamer in this Consular District.

I therefore desire to know whether I shall continue to allow the Agents of the steamers to make a sworn statement that the merchandise mentioned and described in the landing certificates presented to me has been landed? If necessary, I can also require a certificate from the Imperial Chinese Customs, before certifying to such landing certificates.

I have the honor to be, Sir,

Your obedient servant,

Jas. L. Rodgers

AMERICAN CONSUL GENERAL.

1 encl.

(C O P Y)

THE AMERICAN CIGARETTE COMPANY, LIMITED.

SHANGHAI, August 7th 1905.

Hon. Jas. L. Rodgers,

American Consul General,

SHANGHAI.

Sir:-

Enclosed we beg to hand you communication from our New York Office which states that the New York Customs will not in future accept any Landing Certificates completed at Shanghai unless signed by the Master and Mate. As you are aware, the ordinary form requires the signature of the Master and Mate sworn to before the United States Consul and you are also aware that it is in many cases impossible to meet the requirements of the New York Customs as the Master and Mate do not come to Shanghai. Can you do anything to enlighten the New York Customs as to the situation here and insure the acceptance of our Landing Certificates if signed, as is customary by the Agents of the Steamship Company; by so doing you will greatly oblige.

Yours faithfully,

THE AMERICAN CIGARETTE CO.LTD.,

(Sgd) E. Kempffer.

P. S. Kindly return the enclosed letter, so that we may keep our files regular.

APPOINTMENTS
SEP 22 1905
Department of State.

No. 4 Consulate-General of the United States,

Oath + Affirm
Appointment
Bureau.

SHANGHAI, August 18th , 1905.

Mr. James L. Rodgers,

To the Department of State.

Subject:

W. P. Boyd.

Abstract of Contents.

Forwarding Mr. Boyd's oath of office etc.

CHIEF CLERK,
SEP 21 1905
Department of State.

INDEX BUREAU
SEP 28 1905
FILED

No. 4

Consulate-General of the United States,

SHANGHAI, August 18th , 1905 .

Honorable Francis B. Loomis,

Assistant Secretary of State,

Washington, D. C.

Sir:

I have the honor to acknowledge the receipt of your communication of July 6th with enclosed forms for oath of office, official bond and formal application to be executed by W. P. Boyd.

The oath of office and formal application together with three cards for the use of the Accounting Officers of the Treasury have all been properly executed, and are returned herewith.

The official bond has been signed by Mr. Boyd and his signature witnessed. It will now be forwarded to the United States Fidelity and Guarantee Company to be completed and forwarded to the Department.

I have the honor to be,

Sir,

Your obedient servant,

Jas. L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

Enclosures: as stated.

No. 38

Consulate-General of the United States,

SHANGHAI, CHINA, August 21st, 1905.

Mr. James L. Rodgers,

To the Department of State.

Subject:

re the Boycott.

Abstract of Contents.

Reporting on boycott; action of authorities in suppression; financial disturbance created; effect of peace in Manchuria on American business in Shanghai.

CHIEF CLERK,
SEP 21 1905
Department of State.

INDEX BUREAU
SEP 27 1905
FILED

Boycott.

No. 38.

Consulate-General of the United States,

SHANGHAI, CHINA, August 21st , 1905 .

Honorable Francis B. Loomis,

Assistant Secretary of State,

Washington, D. C.

Sir:

I have the honor to report that at this time the boycott agitation seems to be subsiding, although there is no marked improvement in the American trade. The native merchants, both large and small, steadily refuse to buy American goods, and this rule may now be said to be almost universal in this part of China. The anti-American movement as far as trade is concerned is slowly but surely penetrating the interior, and it will take a long and gradual process to eradicate the antagonism.

The authorities have finally taken action against the placarding of cities and towns, and believe that there will be a discontinuance of that annoying feature of the crusade. There is no report of violence from any quarter.

The effect of the boycott upon the financial welfare of Shanghai and the outports in disturbing to the minds of all businessmen-foreign as well as native. The money rate in native banks has increased, and foreign banks have been appealed to by the Chinese merchants, many of whom are unable now to meet their obligations. In addition suits are being filed by foreign firms against Chinese for failure to comply with contractual stipulations, and for damages. All this makes the Chinese mercantile class exceedingly uneasy and apprehensive, and hardly a member of the

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Chamber of Commerce would not welcome an immediate restoration of old conditions. Opposing this sentiment stands Taot'ai Tsang Shao-ching, the acknowledged boycott leader, and his followers who are largely of the student and irresponsible class. Tsang is still making every effort to further the cause, and were it not for the good effect of the order of the Viceroy of Chihli, Yuan Shui-kai, would be successful, north of Yangtse River.

In the meanwhile foreigners generally profess to see in this movement a much broader motive than that of protest against the American exclusion treaty. It is alleged to be political at the root, anti-foreign and anti-dynastic. The English do not hesitate to say that after the United States will come the demand upon the Dominion of Canada, Australasia, and South Africa. The Germans declare the boycott is already directed to towards them, and many other foreigners report the same. To such causes for uneasiness is added the daily burden laid by the press, native and foreign, one organ claiming Japanese intrigue and another Russian, and some violently anti-foreign on general principle.

Whatever may be the source, the motive or its sustaining power there is no denying the fact that American trade in Middle China at least has been greatly damaged and in some lines practically suspended. The restoration of peace in Manchuria will have an immediate beneficial effect, since the great amount of cargo now held in Shanghai will find there a ready market at high prices, and in that business the Chinese merchants hope to participate. The opening of the northern field will make Shanghai an exceedingly busy place and as the embargo on American goods has not been recognised in the north every available ship in Shanghai will be pressed into the service, the natural consequence being that

no

no headway in boycott can be made against such a business as will ensue. In support of this statement it must be remembered that for the last five months there has been a great slackening in Shanghai trade, this being due to the scarcity of cargo vessels offered on account of the war and the consequent dangers of navigation. The boycott was therefore opportune and more effective than it could ever have been when a demand for goods could have been satisfied easily.

I have the honor to be,

Sir,

Your obedient servant,

S. L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

CONSULAR BUREAU
SEP
19
1905
DEPARTMENT OF STATE

No. 39

Consulate-General of the United States,

SHANGHAI, August 24th , 1905.

Mr. James L. Rodgers,

To the Department of State.

CHIEF CLERK,
SEP 19 1905
Department of State.

Subject:

COPIES MADE.

Boycott.

2 to Secy Navy
Sept. 20/05
Asst Sept. 23/05

Abstract of Contents.

Review of the origin and development of the boycott movement in China, with statement as to interpretations of its meaning. Present condition.

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SEP 25 1905
FILED

Shanghai, August 24th

James L. Rodgers,

Boycott.

Review of the origin and development of the boycott movement in China, with attempts as to interpretations of its meaning. Present condition.

No. 39.

Consulate-General of the United States,

SHANGHAI, August 24th , 1905.

Honorable Francis B. Loomis,

Assistant Secretary of State,

Washington, D. C.

Sir:

I have the honor to inform you that an investigation into the origin and development of the present boycott against American goods in China leads to the consideration of a mass of alleged facts, which in many respects are as contradictory as the present day opinions of the true meaning of the movement. But from comparatively truthworthy sources, after due process of elimination, the following has been obtained and is submitted for such attention as it may demand in the light of the information already in possession of the Department.

It is said in Shanghai by those who are actively identified with the boycott agitation that the first intimation of the desirability of such a cause was given in October 1904, and that it had its origin in the United States. The Chinese Six Companies of San Francisco realised, it is said, as early as a year ago that in order to influence legislation on the Chinese exclusion act, it was necessary to prepare for an aggressive campaign, but the idea of a boycott was not suggested until the Autumn. No one will say who was responsible for such a suggestion but it is stated with positiveness that the preparation for the movement began at that time, and was only deferred until the Spring in order to see what would be done with the new treaty by Congress. There having been no presentation of the matter, it was determined

in

HANKOW, August 28th

Francis B. Loomis.

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It is said in Shanghai by those who are actively identified with the boycott agitation that the first instigation of the desirability of such a scheme was given in October 1904, and that it had its origin in the United States. The Chinese Six Companies of San Francisco resulted, it is said, as early as a year ago that is ready to influence legislation on the Chinese exclusion act, it was necessary to prepare for an aggressive campaign, but the idea of a boycott was not suggested until the autumn. No one will say who was responsible for such a suggestion but it is stated with positiveness that the boycotters began at that time, and was only deferred until the Spring in order to see what would be done with the new treaty by Congress. There having been no presentation of the matter, it was determined

in April to try the plan, there having in the meanwhile been an accumulation of money for the purpose. The first telegram relating to the boycott movement proper was thereupon sent from San Francisco to Canton, but after discussion there it was thought better to start at a place where American trade would be more vitally affected. In pursuance of this program there was correspondence with certain of the gentry and members of the Chamber of Commerce at Shanghai. However difficulty was encountered for the reason that the rich Chinese merchants were inclined to be conservative and were suspicious that the movement was more for the benefit of the laboring class, emanating as it did ostensibly from the Six Companies, than for those exempt from exclusion. To combat this reluctance it was urged that the existence of the war between Japan and Russia had practically closed the Manchurian trade and had greatly limited that of the northern ports generally, and consequently if a boycott could be instituted and maintained, it would at the end of the war, which seemed near at hand, cause a great increase in prices of all American goods and thus enrich those who had large contracts. To demonstrate this more clearly to the minds of the merchants who still hesitated, it is said that foreign experts were called into consultation, and that they nearly proved the case. Some of the merchants were enthusiastic for the plan but the majority were still undecided. In the meantime a boycott committee, consisting of some members of the Chamber of Commerce, and some of the student body was formed, the Chairman being the President of the Fukien Guild, one Tseng Shao-ching, a merchant with the rank of Taot'ai. Matters as far as the boycott generally was concerned rested until the arrival of the American Minister to China, Hon. W. W. Rockhill, and as the Chamber of Commerce insisted upon

consulting

consulting him, it was decided to do so. The result of that meeting, as well as that of four days later, on May 26th, with the writer, has already been told in a previous despatch. But Tseng, who has been a patron of the schools, although not a rich man, had a large following among the literati, the student, and reforming class, and was not satisfied to abandon a plan which promised so well. Acting secretly and in conjunction it is believed with several of the rich Chinese piece goods merchants, whose cupidity had been excited by the prospect of a corner, he began to lay the true foundation of the boycott. Supplied with plenty of money, the contributors being unknown, but supposed to be merchants, the student body and the Six Companies treasury, his propoganda worked incessantly, sending letters to all prominent guilds throughout the Empire and following these up with telegrams. This process soon began to have an effect and in a month or by the latter part of June it was safe to come out into the open. Tseng, following the publication of the speech of ex-Minister Conger delivered at Leavenworth, Kansas, June 24th, stated he was in receipt of telegrams and letters from every province reproaching him for abandoning China's cause, and that he must act or be humiliated forever. The merchants had by this time completed their additional contracts, and as it was then known that peace in the north was being considered and that the rush for that market might ensue soon, it was resolved to set a date, which by being liberally advertised would have the effect of a call to arms. The 20th of July was therefore chosen and in the time remaining the student body under the direction of Tseng began issuing their inflamatory literature, their placards and posters. By this time it was known that the boycott could not make great headway in the South on

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account of comparative indifference; in the North the strong arm of the Viceroy of Chihli, Yuan Shih-kai was feared and furthermore it was thought there would be a defection of the merchants if the Manchurian market should be affected. As a consequence tentative efforts were made at Tientsin, and when sternly suppressed, the whole force of the movement was directed to the coast south of the Yangtse, to the population of the delta country and to the valley. Thus when the appointed time arrived the seed had been sown over a large portion of this area. Slowly it took root in the interior and the harvest was not long in coming, for exaggerated posters and placards appeared everywhere. By easy transition the alleged wrongs of the exempt classes were slurred over, and the cry came to be for the entire repeal of the exclusion law. In one province after another this went on until it is now the rule south of the Yangtse. The officials urged to put an end to such expression, which in many instances was becoming violently anti-foreign, replied by saying that the people had the right to determine whether they would buy American goods and that if the United States Government would correct the abuses complained of there would be an end to the trouble. This official sympathy--for such it practically has been in all cases--gave the idea of immunity, and that such an interpretation was warranted is shown by the fact that not an arrest has been made in the length and breadth of China on account of boycott procedure, although many richly deserved punishment if only on the score of endeavoring to disturb public peace.

While all this was in progress the coil around the American merchants and especially in Shanghai was tightening. From annoyance the boycott effect rapidly passed to a suspension of business. No argument finally could induce the

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purchase of American goods in the region affected by the boycott. Secret purchases which were common at first became rare and then except in the absolute necessities stopped entirely. The mass of cargo, imported in expectation of the great demand to follow the restoration of peace, remained in the warehouses, thus causing a stoppage of revenue, for the Chinese merchants soon realized that they also were impaled on a horn of the dilemma. Their hopes were soon shattered for goods they had sold were returned, contracts they had made were broken, and no market existed, although it had been promised by the boycott leaders for all goods under contract. They saw "settling days" approaching and no means at hand; native banks became imbued with caution and foreign banks told them that their money was needed for the foreign merchants affected who would have to pay for the goods stored.

That is the situation in Shanghai today and it is about the same in all places save in the North and South of China. In the outports, where, except imported luxuries, there is little American cargo lying, the rule of the boycott obtains, but under somewhat different conditions, for while in Shanghai it is as yet largely a commercial cause, in and around places like Fuchau, Soochow, Hangchow, Chinkiang, Wuhu, Nanking and Amoy it is virtually anti-foreign.

Thus from a small beginning the movement has developed into one of immense proportions and apparently is retaining its volume despite exhortations from the authorities and the prayers of the merchants who see ruin for many of their class. The temporary lull came when it was announced that America was resolved to maintain her treaty rights. A few hesitated when it was known that the United States Government had to some extent recognized justice in their protest against the treatment of the exempt classes. But the vast majority of the agitators rejoicing in so called "awakened China" paid no attention to any official representation and

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today are regardless of any proclamations knowing that their authorities will not enforce them.

There are many who say that the movement is really in charge of the disciples of Kang Yu-wei; that the boycott is but the medium of arousing a popular sentiment and that at the proper time it will be allowed to drop behind, while the cause of reform in China goes to the fore; that anti-dynastic sentiment will develop rapidly and that political troubles of magnitude are coming; that the anti-foreign movement which has, as always, much strength will be joined to other issues and that China like Japan will soon demonstrate to the world its solidarity and likewise accomplish marvels. There is plenty of evidence to justify such conclusions. There is openly expressed contempt for the Central Government, there is a cry for reform and able politicians are cultivating the sentiment, there is antagonism for the foreigner being manifested in ways without number, and finally and more marked than all is the emulative spirit caused by Japan's success. Some of the Chinese, who see perilous times ahead, say that ambitious men at Peking are directing this general movement and that one force jealous of another is leading the nation toward calamity. Others do not hesitate to avow the belief that the unrest of China is the natural outcome of the war and that it means an alliance with Japan.

That which has been stated here is not idle gossip and rumor; it is rather a repetition of current opinion of conservative minds, native as well as foreign, gained as a result of careful inquiry. Whether may be the future outcome or the present motive, the boycott is an actuality and a potent one. If it can be kept within the existing lines there may well be cause for congratulation despite the damage done. But if some exaggerated report of retaliation should reach

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That which has been stated here is not idle gossip any rumor; it is rather a repetition of current opinion of conservative minds, native as well as foreign, gained as a result of careful inquiry. Whether may be the future outcome of the present notive, the boycott is an actuality and a potent one. If it can be kept within the existing lines there may well be cause for congratulation despite the heavy loss it does occasioned regard of retaliation should real

places where foreign influence is not strong there could come results of the very gravest nature. The anticipation of such a conclusion arising perhaps from some trivial incident creates apprehension in Shanghai and elsewhere and such feeling is certainly justified by the conditions. However there can be no doubt about the desire of many of the boycott leaders to maintain peace, but they also realize that their influence has little weight with those who but rarely come in contact with foreigners and whose fanaticism is easily aroused and with difficulty suppressed.

As an illustration of the danger which seems to lie in this boycott movement, and to give the latest news as to the situation, Yuan, the Taot'ai of Shanghai informed me today that he had received word from Viceroy Chou Fu at Nanking that the American Minister had demanded of the Wai-wu-pu the arrest of Taot'ai Tseng Shao-ching, the deprivation of his rank and such further punishment as might be proper. The Taot'ai assured me Tseng knew of this, and that he was preparing to commit suicide in order that, according to custom, his followers would be compelled to take his place. The Taot'ai therefore is urging Tseng to refrain from such intention, knowing, as he states, that if such action was taken anti-foreign riots would break out immediately. He claims that the fear of the financial crisis together with such pressure as he is bringing to bear in the way of proper representation of the American attitude and the suppression of meetings will practically end the boycott in the cities, but that it will take a long time to get it out of the minds of the people of the interior.

Apologizing for the length of this despatch,
I have the honor to be, Sir,

Your obedient servant,

Jno. L. Rodgers

AMERICAN CONSUL GENERAL.

N.W.

Yours obediently etcetera.

I have the honour to be, Sir,

Apologising for the length of this despatch,

of the views of the people of the interior.

the cities. But that it will take a long time to get its

passage of measures will practically end the boycott in

though reinauguration of the American activity and the sub-

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it. He claims that the task of the financial crisis together

action and other protective rights would break out immediate-

tion such intensity, knowing, as he states, that it would

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that their influence has little weight with those who but

the boycott leaders to maintain peace, but they also realize

however there can be no doubt about the desire of many of

and much feeling is certainly justified by the conditions.

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of such a combination arising perhaps from some trivial

some result of the very gravest nature. The multiplication

riously more foreign influence is not exerted there could

ASSISTANT SECRETARY,
AUG 28 1905

TELEGRAM RECEIVED IN CIPHER.

CONSULAR BUREAU
AUG 26 1905

From Shanghai, August 26, 1905.

CONSULAR BUREAU
AUG
28
1905
DEPARTMENT OF STATE

(Received 3 a.m.)

Confirm Conf'd Aug 29/05

Secretary of State

Washington.

Boycott still continues. No disturbances. Chinese officials are endeavoring to suppress movement. Condition of things more hopeful. Financial affairs are bad.

ROGERS.

INDEX BUREAU
AUG 30 1905
FILED

CHIEF CLERK
AUG 26 1905
Department of State

2/0

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9-Pa

Ciphered by the Chief Clerk's Office, August 26, 1905. 9:30 a.m.

CONSULAR BUREAU
AUG
31
1905
DEPARTMENT OF STATE

TELEGRAM RECEIVED IN CIPHER.

From Shanghai, August 31, 1905.

DEP'T OF STATE
AUG
31
1905
2ND ASS'T SECRETARY

CONSULAR BUREAU

To the President Sec'y Confirm:

Secretary of State,

Washington.

Boycott conditions are improving. Opening of Manchuria trade will help greatly here.

Cond't to Secy Sept 1/05

ROGERS.

INDEX BUREAU
SEP 5 1905
FILED

Ciphered by the Chief Clerk's Office, August 31, 1905.

SEP 30 1905 DEPARTMENT OF STATE
INDEX BUREAU RECD SEP 29 1905 DEPT OF STATE
3rd ASST. SECRETARY. SEP 30 1905

No. 4

Consulate-General of the United States,

SHANGHAI September 2nd , 1905.

Mr. James L. Rodgers,

To the Department of State.

CHIEF CLERK, SEP 30 1905 Department of State.

Subject:

Transcripts of Consular Court Cases ~~Court Reports.~~

Oct 2/05

Abstract of Contents.

Transmitting Court cases of U/ S. vs George Gross and U. S. vs Joe Lomtz.

INDEX BUREAU OCT 3 1905 FILED

Court Reports.

No. 4

Consulate-General of the United States,

SHANGHAI, September 2nd , 1905.

Honorable Francis B. Loomis,

Assistant Secretary of State,

Washington, D. C.

Sir:

I have the honor to transmit herewith the following Court reports:

U. S. vs George Gross.

U. S. vs Joe Lomtz.

I have the honor to be,

Sir,

Your obedient servant,

AMERICAN CONSUL GENERAL.

Y.W.

Two enclosures.

AMERICAN CONSULAR COURT.

Shanghai, 22nd August.
Before the Hon. JAMES L. RODGERS,
Consul General.

LIGHTNING JUSTICE.

George Gross, unemployed, was charged with being drunk and incapable in the Woosung Road at 6.20 p.m. the 22nd inst.

Accused who was only released from gaol at 3 p.m. yesterday presented a woe begone appearance from the effects of a short but rapid carousal.

His Honour—Well, so you are back again, are you?

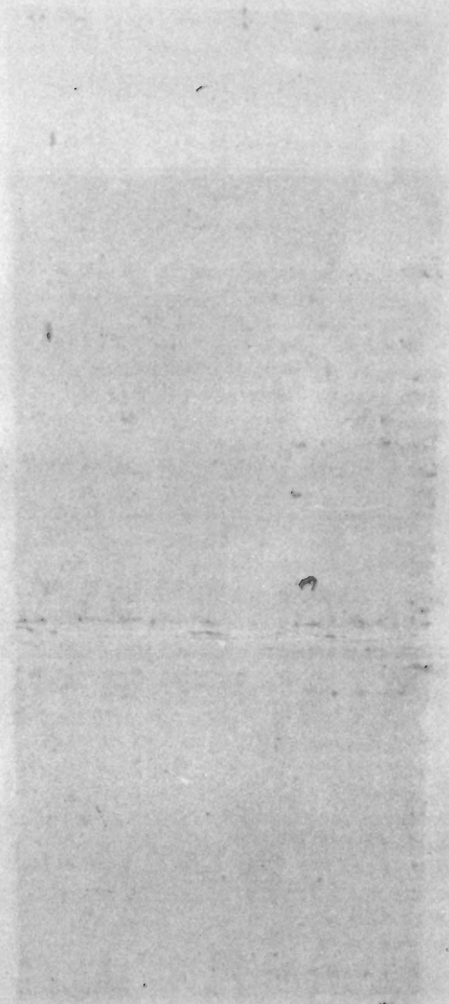
Prisoner—Yes Sir, I am back again.

His Honour—Why did you not go on board the Justin, when I secured a passage to Manila for you yesterday?

Prisoner—I met some friends and we had a few pegs.

His Honour to the Clerk of the Court—Mr. Engelbracht, lock this man up and put him in irons and keep him on bread and water and a short allowance too. He is a perfect nuisance and I will have no more to do with him. He will be detained until he can be put on board a ship.

The Court then rose.



AMERICAN CONSULAR COURT.

Shanghai, 28th August.

Before the Hon. JAMES L. RODGERS, Consul-General.

ON THE WARPATH.

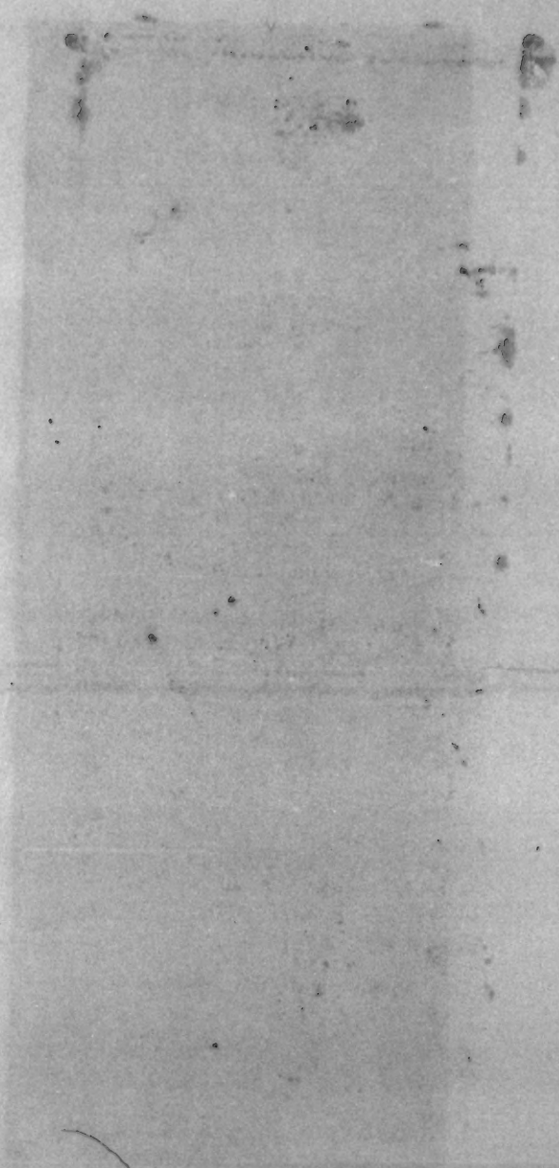
Joe Lomtz, of the sailing vessel Makavali, and Frank Fernandez alias Frank Jones, were charged with being drunk and disordely at about 8 p.m. the 27th inst. in the Broadway, and with assalting one Lee Hwa Chee and willfully damaging his bicycle to the extent of $3. at the same time and place.

Detective Inspector MacDowell, said that at about 7.45 p.m. the 27th inst. at the corner of Broadway a he saw a crowd collected and found Fernandez holding a Chinese boy by the queue and dragging him about in a cruel manner. The boy was holding on to a bicycle. Witness arrested the accused who resisted and tore the sleeve of the coat which witness was wearing. Lomtz was running about drunk and disorderly and made an attempt to take the prisoner away. Witness then placed him under arrest also and took them to the station.

Lee Hwa Chee described the assault of which he had been the victim.

Det. Insp. MacDowell, gave some details as to Fernandez's record.

His Honour said that Lomtz would be fined $5 gold and his share of the costs of court, and the cost of fixing the bicycle and to be put on board his ship. Fernandez would be imprisoned for three weeks or such time as a ship could be procured to send him away.



CONSULAR BUREAU
SEP
6
1905
DEPARTMENT OF STATE

TELEGRAM RECEIVED IN CIPHER.

SEP 5 1905
DEPT OF STATE

From Shanghai, .

September 4, 1905.

Received 10.10 A. M.

Secretary of State,

Washington.

Boycott apparently subsides. Northern trade opening.

RODGERS

Seen by Mr Adee
Bowers } Sept 4

INDEX BUREAU
SEP 8 1905
FILED

Deciphered by the Chief Clerk's Office, 11.15 A. M.

282

TELEGRAM RECEIVED IN CIPHER.

ASSISTANT SECRETARY,
SEP 7 1905

RECD SEP 11 1905 DEPT OF STATE

From SHANGHAI,

Received September 6, 1905, 12:03 p.m.

Secretary of State,

Washington.

Sept 9/05

Public opinion is that boycott practically is abandoned here, for the present. The last reports at least from the country are better also.

R O D G E R S.

INDEX BUREAU
SEP 11 1905
FILED

Ciphered by the Chief Clerk's Office, Sept.6, 2:15 p.m.

CONSULAR BUREAU. OCT 1905 DEPARTMENT OF STATE.

3rd ASST. SECRETARY. OCT 3 1905

No. 4

Consulate-General of the United States,

SHANGHAI, September 6th, 1905.

Mr. James L. Rodgers,

To the Department of State.

Ackd. Oct. 11

CONSULAR BUREAU. NOTED.

Subject:

Marriages.

Abstract of Contents.

Transmitting 2 marriage certificates issued to S. Goldstein & K. Greenberg and A. B. Moulder & E. M. Morrison.

INDEX BUREAU. OCT 17 1905 FILED

CHIEF CLERK, OCT - 3 1905 Department of State.

SHANGHAI, September 6th

James L. Rodgers,

Marriages.

Transmitting 2 marriage certificates
issued to S. Goldstein & K. Greenberg
and A. B. Moulder & K. M. Morrison.

No. 7

Consulate-General of the United States,

SHANGHAI September 6th , 1905.

Honorable Francis B. Loomis,

Assistant Secretary of State,

Washington, D. C.

Sir:

I have the honor to transmit herewith two marriage certificates issued from this office to Samuel Goldstein and Rachel Greenberg, and A. B. Moulder and Eileen Mand Morrison.

I have the honor to be,

Sir,

Your obedient servant,

Jas L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

Enclosures: 2 marriage certificates.

MANCHESTER September 6th 1

Francis B. Loomis,

I have the honor to transmit herewith two marriage certificates issued from this office to Samuel Goldstein and Raphel Greenberg, and T. B. Moulder and Miss Mary Morrison.

I have the honor to be,

Sir,

Your obedient servant,

AMERICAN CONSUL GENERAL.

Y.M.

Enclosures 2 marriage certificates.

Form No. 87.

CONSULAR BUREAU.
NOTED.

CERTIFICATE OF MARRIAGE

Consular Office of the United States of America

SHANGHAI, CHINA August 20th 1905

I, N. Porter Boyd, Deputy Consul-General of the United States at Shanghai, China, do hereby certify that, on this 20th day of August A. D., 1905, at Synagogue Bethel in the city of Shanghai, Samuel Goldstein, aged 22 years, born in New York City and now residing in Shanghai, and Rachel Greenberg, aged 20 years born in Singapore, and now residing in Shanghai, were United in Marriage before me, and in my presence, by Rev. M. Russell, who is authorized by the laws of Vilna, Russia to perform such a ceremony.

In Witness Whereof I have hereunto subscribed my name and affixed the seal of my office at Shanghai, China, this 20th day of August, A. D., 1905, and of the Independence of the United States the 130th

N. P. Boyd

Deputy Consul-General of the United States of America.

Fee one dollar. To be issued in duplicate.

Form No. 87.

CERTIFICATE OF MARRIAGE

CONSULAR BUREAU. NOTED

Consular Office of the United States of America

SHANGHAI, CHINA Sept. 1st 1905.

I, James L. Rodgers, Consul-General of the United States at Shanghai, China, do hereby certify that, on this first day of September A.D., 1905, at American Consulate Gen'l. in the city of Shanghai, China, A. B. Moulder, aged 37 years, born in San Francisco, Cal, and now residing in Hongkong, and Eileen Maud Morrison, aged 27 years born in Siskiyou County, Cal, and now residing in Portland, Oregon, were United in Marriage before me, and in my presence, by Rev. N. O. Bentley, who is authorized by the laws of Pennsylvania, U.S.A. to perform such a ceremony.

In Witness Whereof I have hereunto subscribed my name and affixed the seal of my office at Shanghai, China, this first day of September, A. D., 1905, and of the Independence of the United States the One hundred & Thirtieth.

Jas L. Rodgers
Consul-General of the United States of America.

Fee one dollar. To be issued in duplicate.



DIVISION OF RECORDS
OCT 12 1905
DEPARTMENT OF STATE

CONSULAR BUREAU
OCT 5 1905
DEPARTMENT OF STATE

3rd ASST. SECRETARY.
OCT 3 1905

No. 40

Consulate-General of the United States,

SHANGHAI, September 7th, 1905.

Hon. James L. Rodgers,

To the Department of State.

Ans to for Feb 3/06 Acc'd

Subject:

reporting regarding the Typhoon & Flood which visited Shanghai Sept 1-1905.

Abstract of Contents.

Reporting on the typhoon and flood which visited Shanghai and outport country September 1st 1905.

INDEX BUREAU
OCT 5 1905
FILED

40

SHANGHAI, September 7th 5

James L. Rodgers.

Typhoon & Flood
in Shanghai.

Reporting on the typhoon and flood
which visited Shanghai and outport
country September 1st 1906.

No. 40

Consulate-General of the United States,

SHANGHAI, September 7th , 1905.

Honorable Francis B. Loomis,

Assistant Secretary of State,

Washington, D. C.

Sir:

I have the honor to report that during the early morning of the 1st of September occurred the most disastrous typhoon and consequent flood in the recent history of this portion of the China coast. The high tide of the date by the tremendous force of the typhoon forced the water of the Whangpoo River up four and one half feet above the previous high water mark thus completely submerging nearly all the area of Shanghai. The damage to property was immense since all the warehouses of the river front were crowed with perishable goods of various kinds, and in many instances dwellings collapsed. It is estimated that in Shanghai alone a loss of $3,000,000 was sustained.

In the native villages along the Whangpoo River and the delta lands of the Yangtse a great loss of life and property occurred, it being stated broadly (for no accurate reports are obtainable) that 20000 people were drowned and their habitations swept away.

It is entirely probable that there is much exaggeration in these reports, but it is almost certain that no attempt will be made by the authorities to obtain the actual facts.

No loss of life or damage to Americans or American shipping interests have been reported. The American

business

SHANGHAI, September 7th 5

Francis B. Loomis,

I have the honor to report that during the early morning of the 1st of September occurred the most disastrous typhoon and consequent flood in the recent history of this portion of the China coast. The high tide of the date by the tremendous force of the typhoon forced the water of the Whangpoo River up four and one half feet above the previous high water mark thus completely submerging nearly all the area of Shanghai. The damage to property was immense since all the warehouses of the river front were crowded with perishable goods of various kinds, and in many instances dwellings collapsed. It is estimated that in Shanghai alone a loss of $3,000,000 was sustained.

In the native villages along the Whangpoo River and the delta lands of the Yangtze a great loss of life and property occurred, it being stated broadly (for no accurate reports are obtainable) that 8000 people were drowned and their habitations swept away.

It is entirely probable that there is much exaggeration in these reports, but it is almost certain that no attempt will be made by the authorities to obtain the actual facts.

No loss of life or damage to American or American-

Dept.#40--2.

business firms of Shanghai in common with all others suffered from the flood, but at the present time can only approximate their losses. It is entirely safe to say that the pecuniary damage for all interests here will not exceed the sum named.

I have the honor to be,

Sir,

Your obedient servant,

Jno. L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

business times 92 Shanghai in common with all others suffers from the flood, but at the present time can only approximate their losses. It is entirely safe to say that the pecuniary damage for all interests here will not exceed the sum named.

I have the honor to be,

Sir,

Your obedient servant,

AMERICAN CONSUL GENERAL.

I.M.

DOCUMENT BUREAU
OCT 6 1905
DEPARTMENT OF STATE

3rd ASST. SECRETARY.
OCT 3 1905

No. 41

Consulate-General of the United States,

SHANGHAI, September 6th, 1905.

Mr. James L. Rodgers,

To the Department of State.

Subject:

Boycott

Ans by form Oct 11 6/05

Abstract of Contents.

Reporting on the subsidence of the boycott in Shanghai and out ports.

INDEX BUREAU
OCT 17 1905
FILED

CHIEF CLERK,
OCT - 3 1905
Department of State.

SHANGHAI, September 8th

Boycott

Reporting on the subsidence
of the boycott in Shanghai and out
ports.

No. 41.

Consulate-General of the United States,

SHANGHAI, September 6th , 1905.

Honorable Francis B. Loomis,

Assistant Secretary of State,

Washington, D. C.

Sir:

I have the honor to confirm my telegram of this date reading:

"Secretary of State, Washington.

"Public opinion is that boycott practi-
"cally is abandoned here for the present al least.
"The last reports from the country are better also.

"Rodgers."

In explanation of which I beg to say that the publication of the Imperial edict has had a salutary effect, although the efforts of the local officials had begun to show fruit before the order from Peking came. In addition the receipt of the news of peace between Japan and Russia with its consequent promise of the opening of the Manchurian market had prepared the way, and as the Chinese merchants were heartily tired of the agitation which was creating for them a greater loss than was suffered by the foreigner, there could be little doubt as to the result. Nevertheless the student class and the reformers, were hard to suppress, and that they have finally been silenced is some credit to the authorities who have had no easy task on their hands. In fact it is somewhat amazing that after such a remarkable movement throughout the whole empire practically there has been not one authentic instance of trouble directly attributable to this boycott. There were periods in Shanghai especially when it seemed almost certain that the irresponsible

classes

SHANGHAI, September 8th 1919

Francis B. Loomis,

I have the honor to confirm my telegram of
this date reading:

"Secretary of State, Washington.

"Public opinion is that boycott practi-
"cally is abandoned here for the present at least.

"The last reports from the country are better also.

"Rodgers."

In explanation of which I beg to say that the application of the Imperial edict has had a salutary effect, although the efforts of the local officials had begun to show fruit before the order from Peking came. In addition the receipt of the news of peace between Japan and Russia with its consequent promise of the opening of the Manchurian ports had prepared the way, and as the Chinese merchants were heartily tired of the agitation which was creating for them a greater loss than was suffered by the foreigner, there could be little doubt as to the result. Nevertheless the student class and the reformers, more hard to suppress, and that they have finally been silenced is some credit to the authorities who have had no easy task on their hands. In fact it is somewhat amazing that after such a remarkable movement throughout the whole empire practically there has been not one authentic instance of trouble directly attributable to this boycott. There were periods in Shanghai especially when it seemed almost certain that the irresponsible

classes

classes would break bounds, but happily the controlling hand was sufficient to avert action which might well have put all China into an anti-foreign attitude.

As the matter now stands the agitators through timidity or inclination are respecting the decree and the proclamations; the posing of obnoxious placards has almost ceased, public meetings are only held in the outports and are tame. The merchants in the meanwhile are cautiously beginning to market their American goods, and the trade with the North is opening in some volume. The small dealer in American commodities is feeling his way and has hardly begun business again. Many say that if the treaty is not favorable to the Chinese the boycott will recommence, but if it does it certainly will not have the hearty support of the guilds or the large merchants who have had a bitter lesson in such affairs, and who once free from the mesh will not care to get entangled again. It may be expected that those who have been clamoring for the repael of all exclusion laws in the ineterst of securing not only the admission of the coolie class but also those who should properly be rated as laborers, will protest against a conclusion which will in any way limit their opportunity, but even under the most strenuous conditions to be brought about by these it is not to be believed that any such universal movement as was secured in the first instance can come again. The only reservation to be attached to such a statement arises through the recognition of the fact that the boycott is in China a time honored and much used instrument or process for righting alleged wrongs, and therefore will readily attract support.

It cannot and should not be expected that the people of the interior will soon lay aside the prejudices engendered by this boycott. A long period of time will certainly

clamour would break bounds, but happily the controlling hand was sufficient to avert action which might well have put all China into an anti-foreign attitude.

As the matter now stands the agitators through timidity or inclination are respecting the decree and the proclamations; the posting of obnoxious placards has almost ceased, public meetings are only held in the outports and are few. The merchants in the meanwhile are cautiously declining to market their American goods, and the trade with the North is opening in some volume. The small dealer in American commodities is feeling his way and has hardly taken business again. Many say that if the treaty is not favorable to the Chinese the boycott will recommence, but it if does it certainly will not have the hearty support of the wealth or the large merchants who have had a bitter lesson in such affairs, and who once free from the mesh will not dare to get entangled again. It may be expected that those who have been clamoring for the repeal of all exclusion laws in the interest of securing not only the elimination of the coolie class but also those who should properly be rated as laborers, will protest against a condition which will in any way limit their opportunity, but even under the most strenuous conditions to be brought about by these it is not to be believed that any such universal movement as was secured in the first instance can come again. The only reservation to be attended to such a statement arises through the recognition of the fact that the boycott in in China a time honored and much used instrument or process for righting alleged wrongs, and therefore will readily attract support.

It cannot and should not be expected that the people of the interior will soon lay aside the prejudices engendered by this boycott. A long period of time will

certainly

certainly be necessary to bring about the former conditions, and it may be possible that a new boycott on American goods through the causes just mentioned will come before the country people have fairly gotten over the first disease.

Whatever may be the future it is safe to assert at least that the first crisis apparently is passed. A few agitators may create trouble but the mass of the Chinese of the treaty ports are now amenable to reason and will not be led astray. Their original local leader Tao t'ai Tseng Shao-ching has grown conservative suddenly, knowing his liberty is threatened, and while his successor Xu Chung, a scholar, is striving to reform his lines, there is no likelihood of immediate success.

It may be mentioned in this connection that the great typhoon and resultant flood which visited this coast September 1st has had some effect upon the boycott, since the loss by water damage to Chinese merchants, of Shanghai and the outports, who had goods stored, has been immense, the aggregate being at least several millions of taels. The calamity has not only diverted their minds, but has also in some quarters been accepted as a punishment for the policy which required the exposure of such property to loss by action of the elements. To a superstitious mind such an event as the flood, with its great damage and its loss of human lives, is easily connected with the popular cause, and far fetched as the assumption may seem, it has had a numbing effect on the so called patriotism which was expressed in the boycott procedure.

I have the honor to be,

Sir,

Your obedient servant,

John K. Davis

AMERICAN CONSUL GENERAL.

Y.W.

Consular Bureau.

MEMORANDUM.

October 7, 1905.

Mr. Adee:

The Consul General at Shanghai reports that the boycott is gradually dying out in that city and vicinity. #41

The Consul General at Canton reports regarding his call on the Viceroy and sends copy of the proclamation which the latter issued at his request. #70

The Consul at Fuchau forwards a copy of a letter addressed to the Viceroy of that province by the Consular body at Fuchau calling attention to the inflamatory placards posted in the interior and the resulting peril tolife and property of all foreigners, whether American or not. #171

The Consul General at Niuchwang reports the issuance of a boycott cir- #56

[redacted]

cular there and that a Chinese newspaper which has been advocating the boycott and was suppressed as a consequence, is now being sent through the medium of the Japanese mails.

M.P.B.

No. 4

Consulate-General of the United States,

SHANGHAI, September 7th , 1905.

Mr. James L. Rodgers,

To the Department of State.

Subject:

Report of Death.

Abstract of Contents.

Transmitting Form #192 showing the death of Mrs. Annie Gilson.

CONSULAR BUREAU RECEIVED OCT 3 1905 DEPARTMENT OF STATE

3rd ASST. SECRETARY. OCT. 3 1905

CONSULAR BUREAU. RECEIVED

Ackd. by form. Oct. 11.

INDEX BUREAU OCT 12 1905 FILED

CHIEF CLERK, OCT - 3 1905 Department of State.

SHANGHAI, September 7th

James L. Rodgers.

Report of Death.

Transmitting Form #392 showing
the death of Mrs. Annie Gilson.

No. 4

Consulate-General of the United States,

SHANGHAI, September 7th , 1905.

Honorable Francis B. Loomis,

Assistant Secretary of State,

Washington, D. C.

Sir:

I have the honor to transmit herewith form #192 showing the death of Mrs Annie Gilson, a widow of an American citizen.

I have the honor to be,

Sir,

Your obedient servant,

Jas. L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

Enclosure: Form #192 in duplicate.

No. 1292. September 7th, 1900.

Francis B. Loomis,

Washington.

I have the honor to transmit herewith form
1292 showing the death of Mrs Annie Gilson, a widow of
an American citizen.

I have the honor to be,

Sir,

Your obedient servant,

AMERICAN CONSUL GENERAL.

Y.W.

Enclosure: Form 1292 in duplicate.

CONSULAR BUREAU. NOTED.

(Form No. 192.)

REPORT OF THE DEATH OF AN AMERICAN CITIZEN.

Consular Service, U. S. A.

SHANGHAI, September 6th 1905

Name: Mrs Annie Gilson

Native or naturalized: Widow of an American citizen

Date of death: Sept 1st

Place of death: Shanghai

Cause of death: Pneumonia (old age

Disposition of remains: Buried

Local law as to disinterring remains in case it is desired to bring them home:

None

Disposition of effects: In hands of friends and relatives

Address of family: Unknown

Family notified:

Accompanied by relatives: No

This information, inventory, accounts, etc., recorded in Miscellaneous Record Book, page 459

Remarks:

Jas. L. Rodgers

Consul General of the United States.

[SEAL.]

REPORT OF THE DEATH OF AN AMERICAN CITIZEN

Department of State

Washington, D.C.

In reply refer to

Name

Married

Deceased (Old age

Married

Date and place of birth

Date and place of marriage

Name of husband

Name of wife

Date of death

Place of death

Cause of death

Occupation

Last residence in the United States

Length of residence in the United States

Length of residence abroad

Name and address of nearest relative in the United States

Name and address of person who reported death

Remarks

Respectfully,

For the Secretary of State:

CONSULAR BUREAU.
NOTED.

(Form No. 192.)

REPORT OF THE DEATH OF AN AMERICAN CITIZEN.

Consular Service, U. S. A.

SHANGHAI, September 6th 1905

Name: Mrs Annie Gilson

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None

Disposition of effects: In hands of friends and relatives

Address of family: Unknown

Family notified:

Accompanied by relatives: No

This information, inventory, accounts, etc., recorded in Miscellaneous Record Book, page 459

Remarks:

Thos L. Rodgers

Consul General of the United States.

[SEAL.]

(Form No. 1709)

REPORT OF THE DEATH OF AN AMERICAN CITIZEN

Consular Service, U. S. A.

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No. 4

AMERICAN CONSULATE-GENERAL,

SHANGHAI, September 8th, 1905.

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

SUBJECT:

Law Report.

ABSTRACT OF CONTENTS:

Transmitting report of the Consular Court case of King Shun Tai v. American Ship Ivy.

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CHIEF CLERK, OCT - 3 1905 Department of State.

No. 7

AMERICAN CONSULATE-GENERAL,

SHANGHAI, September 8th , 1905 .

THE HONORABLE Francis B. Loomis,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to transmit herewith the proceedings (in duplicate) of the case of the Master of the King Shun Tai v. The American Ship "Ivy".

I have the honor to be,

Sir,

Your obedient servant,

John L. Rockhill

AMERICAN CONSUL GENERAL.

Y.W.

Enclosure: as above stated.

I have the honor to transmit herewith the
[illegible] [illegible] of the case of the Ship of
the City Adam Tal v. The American Ship "Iris".

I have the honor to be,

Sir,

Your obedient servant.

American Consul General.

Enclosures, as above stated.

AMERICAN CONSULAR COURT.

Shanghai, 25th August.

Before the Hon. JAMES L. RODGERS, Consul-General, and Messrs. J. C. SHENGLE and A. S. FORES, Assessors.

MASTER OF THE KING SHUN TAI V. THE SHIP IVY.

Mr. G. A. Ohlinger appeared for the plaintiff and Mr. F. M. Brooks for the defendant.

The following are the pleadings in the above case :—

PETITION.

The libel of Zung Ah-she, of Ningpo, master of the Chinese junk King-shun-tai, on behalf of himself and Miao Lin Sun, joint owners of said junk, and on behalf of Liu Van-shun, Sheng Chong, Say Keem, Kun Kee, Li Chong, Ting Feng, Kah Foh, Zung Ah-she, owners of the cargo of the said junk, against the American sailing vessel Ivy, her tackle, apparel, furniture, and all persons lawfully intervening for their interest in the same in a cause of collision, civil and maritime, alleges as follows :—

1.—That your libellant is a Chinese subject, resident in Ningpo, and before and at the time of the collision hereinafter described, was master of the Chinese junk King-shun-tai, which said junk was employed in transporting cargo between Ningpo, Shanghai and other ports in the empire of China.

The said libellant sues on behalf of himself and Miao Lin-sun joint owners of the said junk King-shun-tai, her equipment and tackle, and on behalf of the following persons, owners of portions of the cargo of said junk set opposite their respective names :—

Liu Van-shung, 11 pkgs. Joss paper $1,475.67; Sheng Chong, 280 pkgs. Paper, 10 benches $1,083.07; Say Kee, 10 packages Medicine, $1,680; Kun Kee, 6 packages Joss paper $774.04; Li Chong, 110 packages paper $375.95; Ting Feng, 185 pkgs. paper $760.46; Kah Foh, 16 packages medicine, 3 packages soda and 1 package paper $962.00 and Zung Ah-she, 200 pairs matting $24.57, total $7,135.76.

For the purposes of this suit libellant submits to the jurisdiction of this Court.

2.—The sailing ship Ivy is an American vessel, and is now lying in the port of Shanghai and is within jurisdiction of this honorable Court.

3.—On the morning of July 5th, 1905, the junk King Shun Tai was lying at anchor in the proper and usual anchorage ground for Chinese junks in the Whangpoo River, inside the Woosung Lighthouse, and between said Lighthouse and Woosung Creek. Her riding lights were up and burning brighily in accordance with the regulations of the port.

4.—While anchored in the position above described and displaying the proper lights, the Ivy ran into the said junk King Shun Tai, cutting off part of the bow of the same, leaving the remainder attached to the Ivy and the Ivy proceeded up the river to Shanghai in that condition, although the said attached portion of the junk contained a valuable cargo whereby the entire junk together with all her cargo was finally sunk and totally lost.

5.—The above described collision and the sinking of the junk were due entirely to the fault of the Ivy.

6.—The junk King Shun Tai was at the time of the collision worth, including equipment and tackle, the sum of $1,800.00. She had on board a cargo, as set forth in paragraph 1 of this libel, worth in the aggregate $7,135.76.

7.—That all and singular the premises are true and within the admiralty and maritime jurisdiction of the United States and of this Honorable Court.

Wherefore libellant prays that process in due form of law according to the course of this Honorable Court in cases of admiralty and maritime jurisdiction, may issue against the sailing ship, her tackle, apparel and other furniture, and that all persons having any interest therein may be cited to appear and answer, on oath, and singular the matters aforesaid.

And that this Honorable Court would be pleased to decree the payment of the damages as aforesaid, and that the said vessel may be condemned and sold to pay the same with interest, and that the libellant may have his costs and such other and further relief as in law and justice they may be entitled to receive.

ANSWER.

And now comes W. F. Stetson, at present residing at Shanghai, claimant of the Union Mercantile Company, of Portland, Oregon, the owner of the ship Ivy and for answer to the libel of Zung Ah She against the said ship doth allege and propound as follows :—

1.—The allegation set forth in the first article of said libel claimant has not sufficient knowledge or information

concerning same and leaves libellant to prove the matter set forth therein.

2.—The allegation set forth in the second article of said libel is true.

3.—It is not true that on the morning of July 5th, 1905, the junk King Shun Tai was lying at anchor in the proper and usual anchorage ground for junks in the Whangpoo River inside the Woosung Lighthouse and between said Lighthouse and Woosung Creek. And it is not true that her riding lights were up and burning brightly in accordance with the regulations of this Port.

4.—It is not true that while said junk was in said position and isplaying proper light that the Ivy ran into said junk.

5.—It is not true that the collision described in the libel herein and the sinking of said junk were due entirely to the fault of the Ivy.

6.—Claimant and respondent herein has no knowledge or information as to the value of said junk and therefore leaves libellant to prove the same.

7.—Claimant and respondent herein has no knowledge or information as to the value of said cargo and therefore leaves libellant to prove the same.

8.—Respondent alleges and propounds that said junk was in the fair way and channel, and displaying no lights whatever. The night was dark but clear. And that the ship Ivy was in the middle of said channel when said collision occurred. That said Ivy was displaying the proper lights, and immediately upon the collision taking place all of the crew of the said junk abandoned the same without any cause.

9.—That all and singular the premises are true.

Wherefore the respondent prays to be hence dismissed with its costs.

Mr Ohlinger said that he appeared on behalf of Mr Jernigan to conduct the case for the plaintiff. It appeared that the Chinese junk King Shuntai was bound from Ningpo to Yangtze ports with a miscellaneous cargo. Leaving Ningpo about the 1st July, she arrived at Woosung—where all junks bound for the Yangsze had to stop for custom's examination—at 2 a.m. on the 5th July. She then lay at anchor in the proper and usual anchorage ground for Chinese junks in the Huangpoo river, inside the Woosung lighthouse and between that lighthouse and Woosung creek. Her riding lights were burning brightly. After anchoring, the junk swung round with the head pointing to the river. Shortly after anchoring, the American sailing ship Ivy came up in tow of two tugs and to avoid two other junks she sheared off and struck the plaintiff junk on the bow, cutting off part of the bow and leaving the remainder attached to the Ivy which proceeded up river to Shanghai in that condition, though the attached portion of the junk contained a valuable cargo whereby the entire junk was finally sunk together with all her cargo. Two members of the crew of the junk climbed to the deck of the Ivy and wanted the ship stopped so that they could get the junk off. The Ivy did not stop but proceeded up river with the said part of the junk and anchored in Tung-ka-doo in the berth assigned to her. She was inspected by the berthing officer at 7.30 a.m. on the day in question when the said officer was told about the collision and he then went on board the junk and inspected her. The pilot of the Ivy accompanied him in this inspection. They found the junk dry with no leakage at all and full of cargo. The berthing officer and the pilot returned to the Ivy and had the

junk made fast to the ship. The pilot then proceeded to the Custom House to make his report. Just before the pilot left the Ivy he called out again to the mate to make the junk fast to the Ivy so that she could not be lost. However a report was subsequently made to the Custom House that the junk had got adrift from the Ivy and had been sunk. Counsel would produce evidence to the effect that at 9 a.m on the day in question whilst the officers were at breakfast the junk got adrift and went down the river. Counsel would also adduce proof of the value of the junk and that she had the cargo on board as alleged. The cargo was worth about $7,000, but the entire claim came to about $9,000. Counsel now proposed to call Mr. Sample of the Customs as he had his duty to attend to.

Mr. Brooks suggested the reading of this witness's statement, as he might perhaps agree to it.

His Honour—Well, just show it to the witness before he is sworn.

Mr. Brooks—We do not admit anything as true, but if witness says that this is his statement we will have no objection to admitting it as his evidence.

J. A. Samples, sworn, admitted to having made the following statement.

EVIDENCE OF J. A. SAMPLES.

My name is James A. Samples and I am engaged in the Chinese Imperial Maritime Customs as berthing officer. I have been in this position for two years. I went on board the American barque Ivy on the 5th of July, 1905, at about 7.30 in the morning She was lying at the berth which had been assigned to her the previous day, off Tungkadoo. I found a Chinese junk attached to the Ivy on her port bow by means of a rope which was made fast to the junk's mast. There may have been another rope, but I do not remember that there was. The junk I should say was between fifty and sixty feet in length and I judged that there had been about two feet six inches taken off the bow of the junk, leaving the bow splintered and broken. The junk had only one mast left. She may have had another mast on her bow which was cut off.

I was told by the Pilot and the Captain of the Ivy that the Ivy had fouled a junk at Woosung, and a remnant of the junk had caught on the Ivy's anchor and the junk had been dragged up in that way.

I went on board the junk together with the Pilot, Rea. The junk was perfectly dry and no leakage whatever could be seen I went into the after cockpit as deep as I could go. She was full of cargo, presumably bales of paper.

There was a lantern on the junk's poop, but no glass seemed to be left—only the frame.

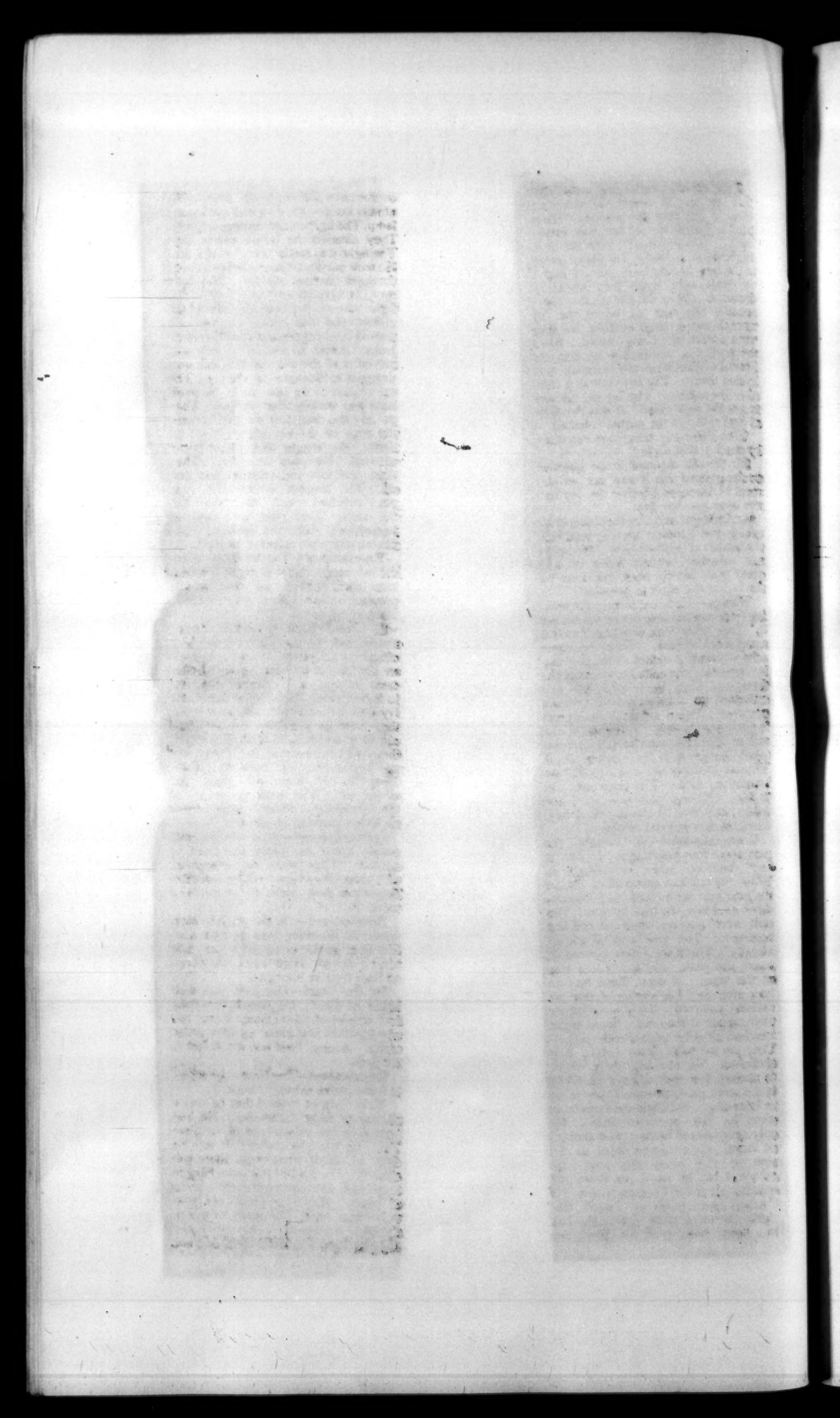
The pilot made this examination of the junk with me and when we got on board the Ivy again he gave orders to have the junk made fast. The pilot and myself reported to the Captain of the Ivy that the junk was perfectly dry.

The pilot then went ashore to the Custom House with me, and the last thing he called out to the mate of the Ivy was that he should make the junk well fast alongside.

The Pilot told me that after the collision one of the crew of the junk came on board the Ivy and kicked up a row on the deck and then went back again. Soon after returning to the Custom House I heard that the junk had been sunk.

Mr. Brooks did not cross-examine this witness.

Sung Ah Tze, cautioned, stated that he was a laodah. He had been following this profession for the last 12 years. He had been trading between Ningpo and the Yangstze ports. He had been laodah to the plaintiff junk for four years. They started on their last trip from Chinghai about 1st July. They had their cargo examined by the Customs and the duty paid there. The receipts were in the hands of the purser. The junk arrived in the river at 2 a.m. on the 5th July. On arriving at the mouth of the river it was customary for the cargo to be examined by the Customs at Woosung. They anchored in the junk anchorage ground. When going out or coming in junks had to be examined at Woosung. It was their intention to proceed to the Yangtze ports after the examination of their cargo. (Witness here showed the position of the junk on the night in question on a chart.) The tide was running in. After they had anchored witness heard the watchman on deck cry out that a foreign ship was coming in an inward direction but she had to take this course (shown on the chart) owing to some junks there. There were two other junks in the neighbourhood of witness's junk named Kwong Wang-loong and Ki Jam-chak. Witness's junk was struck in the bow by the Ivy. The bow was cut off and the junk turned round and was caught by the flukes of the Ivy's anchor and dragged away. Two of the junk's crew tried to board the Ivy. They were witness and a man named Siomiao. They did not get actually on to the deck of the Ivy. They went only to the side of that vessel. They made some demonstration that they wanted to get their junk clear, but those on board the Ivy took no notice of them. They would not release the anchor. The junk was held fast by the flukes of the Ivy's anchor. There was a pole alongside the junk and a fluke caught the pole which was about 70 feet long and ran alongside the junk. They went to ask the Ivy to stop, so that they could release the junk and beach her. It was not possible to release the junk without stopping the Ivy. If the Ivy would stop for a little while it would be easy for them to take away the anchor. The junk's punt was floating on the river, a little away to the astern.



Zung Ah-she, continuing, stated that they thought it would be safer for them to get into the sampan. They tried to board the Ivy but was turned back. They thought that the junk might be in a leaky condition owing to the bow having been cut off and if the junk went down they would be drowned. They did not cut the ropes because the men on board the Ivy were throwing things at them, but they were afraid of being killed. After the junk got adrift they went to the Soochow Creek in the sampan and landed there. The Ivy slowed a little after the collision. The Ivy did not stop to get the junk clear. It was the duty of the Ivy to get the anchor released.

Was there any other junk run down by the Ivy that night?

Mr. Brooks objected to the question on the ground that it was not an element of damages whether the Ivy had run down another ship.

Mr. Ohlinger said that the object of his asking the question was to introduce the laodah of another junk. He would ask whether witness knew of any other junk having been run down by the Ivy on the night in question.

Witness—He heard some noise coming from another junk but he did not see it. The other junk was about 20 feet away from his junk. When he came ashore about 5 o'clock in the morning he reported the collision to one of the foreigners who went with him and examined the place where the collision occurred. There were two foreigners in the steam launch. A portion of the sail of the junk was floating and was taken charge of by the customs people Witness and another man named Liao bought the junk The price paid was $1,800. Witness paid one third and Liao paid two thirds of the money. The junk was in good condition.

Cross-examined—He bought the junk about four years ago. It was in fine condition when he bought it. When the collision occurred of course the junk was not in such a good condition as when she was bought. The sails were not up when the collision occurred. The junk was at anchor already There were nine persons on board the junk. No one was asleep at the time. It was about half an hour after they had anchored that the collision occurred. They were taking their supper at the time. Some of the men had already finished their supper. They put the sails down before they anchored. No one told them where to anchor, but they always anchored in the same place whenever they came to Woosung. He could not remember when he last anchored there. He only remembered having twice anchored there. He anchored there on the 10th or 11th moon this year. He anchored on the same place for the convenience of the Customs people. No Customs men came on board that night. It was a clear night. He had two lights burning in his junk, one on the bow and one on the stern. He always carried one long and one square lamp. The lights were burning brightly. They cleaned the lamps every day. The light was easily seen by any one. He took particular care always to have the light burning clearly. The light could be seen about 7 or 8 li off. The light was on the bow and across the middle and first mast. He was anchored on the opposite side of the other junks. About 10 feet of the bow was cut off and the rest of the junk was dragged to Shanghai by the Ivy. The cut off part of the bow sank. A small boat was trailing after the junk. They got into this boat and cast off because the men on the Ivy threw things at them. He thought they threw pieces of wood. He was not hit. They then got into the sampan and cast off. The engine of the Ivy was not reversed and the ship did not stop. They did not cast off immediately after the collision. The ship should have released the junk.

Re-examined—The berthing officer did not inspect junks at night; no Customs officer came to see them on the previous occasion when they anchored there at night.

J. Olsen, berthing officer, sworn stated that he had been a berthing officer for six years. About 10 o'clock on the day in question some Chinese came to him and reported that the junk had sunk. He went on board the Ivy and the mate told him that while they were at breakfast the junk had cut adrift and in spite of all their efforts they could not recover it. There was no regulation for berthing junks. They simply kept the junks out of the way. The working hours of the berthing officer were from six in the morning till sunset.

Cross-examined—As a rule the junk people knew the place for them to anchor. They were not interfered with unless they were in the fairway. Sometimes they anchored in the fairway.

Re-examined—On the 5th July high water in Woosung was at 1.50 a.m. She ship would swing with the tide after 4 o'clock. High water was about an hour later in Shanghai.

By the Court—The junk was well below the island. He thought that they had recovered something from the wreck, which was about 45 feet under water. A small boat was made fast to the junk.

Re-examined—The boat belonged to some native salvage company.

Meio Ling-sun stated that he was a partner of Ling King-sing. He had been on a few trips on the King Shun Tai. He was the purser. It was his duty to know what cargo there was aboard. On this last trip from Ningpo they had 282 packages, 270 being of paper. Witness could not say what value these were. The goods were consigned to one man. There were also 185 packages to another man and 110

packages to a third, besides six packages of medicine, three of soda and two of paper, and numerous other small lots of joss paper, etc. Duty was paid on the cargo at Ningpo and likin at Chinghai.

The Court then adjourned until 3 p.m.

The case was continued at 3.15 in the afternoon, His Honour apologising for having kept the Court waiting.

The first witness was a laohah, who, cautioned, said he was at Woosung in his junk on the 5th day of July. A chart was produced by Mr. Ohlinger and witness pointed out the position of his junk on the date referred to. On the morning of the 5th of July his junk was struck by a foreign ship—a sailing vessel, and another junk in front of witness was also struck. The watchman woke witness when the King Chun-tai got in. Witness heard the collision. This was about two o'clock in the morning and the tide was running in. It was too dark to see what happened to the other junk. Witness did not know the name of the ship that collided with them.

Cross-examined by Mr. Brooks—The sails of the incoming vessel were up when they got in but were immediately afterwards lowered. Witness's junk had two lights on that night—one on the bow and one on the stern. It was usual for junks to carry lights. Where witness' junk was anchored was outside the channel of other ships, it was near the shore. There was a little wind blowing. Witness' junk was closer to the shore than the King Chun-tai. Witness' junk had been anchored. The lights were cleaned every afternoon. Witness did not clean them but he knew they were cleaned and witness saw the man who cleaned them up. This was at dusk. The lights could be seen about two miles away.

By the Court—Witness's junk was about 120 or 140 feet from the shore. The other junk was about a similar distance from shore.

Chow Pao-sung said he was head in Shanghai of the Kah-foh firm and was notified that some cargo was coming to Shanghai by the junk that was sunk. Witness had received the bills for the goods, for medicine, soda and joss paper. He had received none of the cargo advised.

Cross-examined—Witness could not definitely state what was on the junk. He only concluded that his cargo was on board through the advices he received.

By Mr. Ohlinger—It was usual when he received an advice of goods coming by a certain junk, for the goods to get here on the junk.

By the Court—Witness received his advice for the goods about the 10th of the 5th Moon. This was before the accident occurred

Sung ming-tuk said he was a medicine dealer and sub-manager of the firm of Sah-kee and Co. His firm's head office was at Tungchow and they had a business at Ningpo. The bill produced was for $1680, which was the value of the goods sent by the junk on the 29th day of the 5th moon. Witness had not received the goods.

Cross-examined—Witness saw the cargo at Ningpo about the 20th of the 5th moon. This was the last time he saw it. He told them to send it to witness's place on the Yangtse and then he would pay for it. Witness could swear that the cargo went down with the junk.

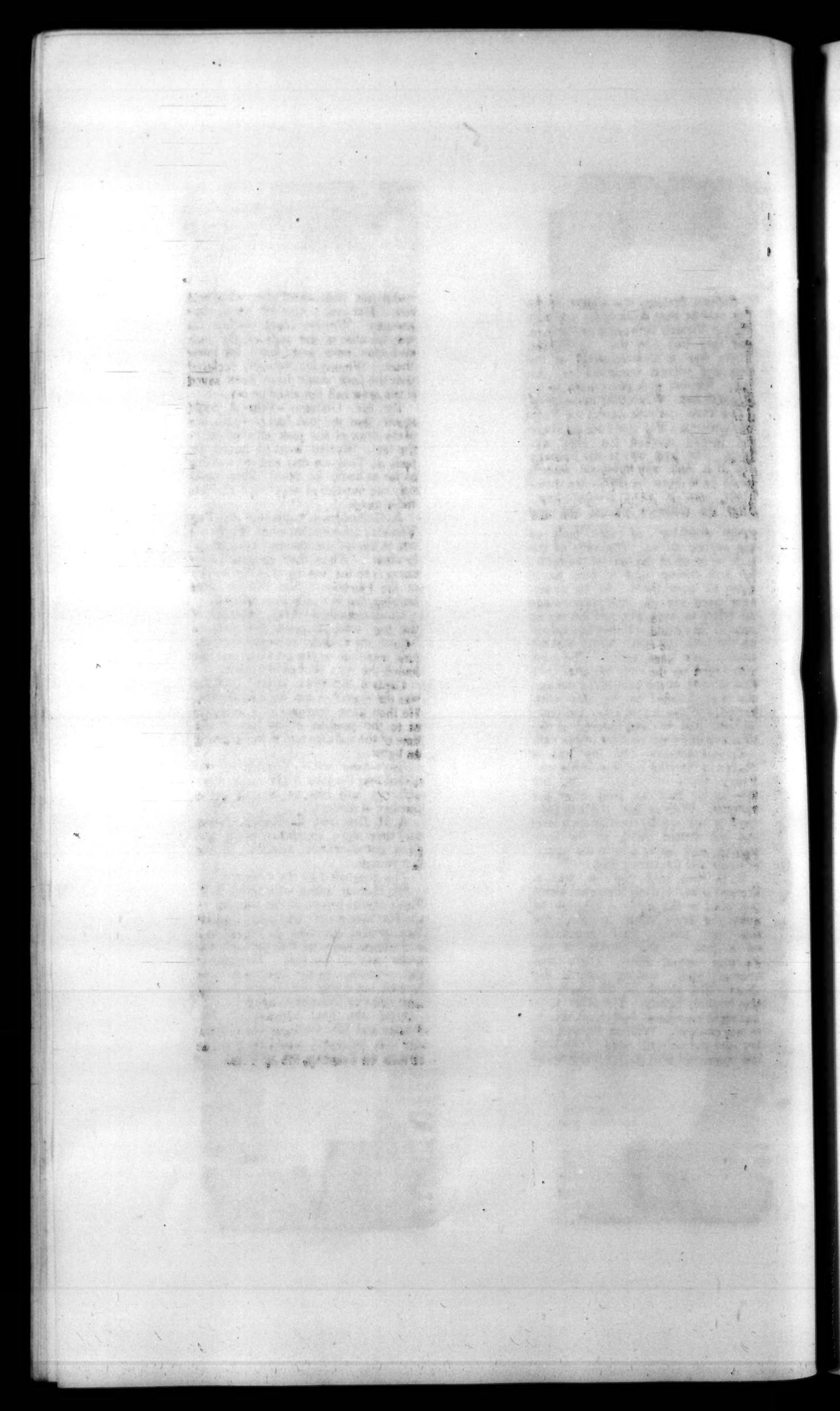
Tsai Tso-hi, agent at Ningpo La Fan-Shung, said he had a sundry goods business at Yangchow. Witness produced three bills of the goods to the value of $1,475 shipped by the junk. If the goods were lost witness firm had to bear the loss.

Cross-examined—Wi ness saw the cargo carried on to the junk by the coolies.

In answer to the Court witness said the goods were not insured; it was not the custom to insure goods shipped in a junk.

Tung-Fung also gave evidence as to shipping 185 packages of paper by this junk from Ningo.

Mr. Brooks, in opening the case for the defendant, said it was very difficult to deny the value of the alleged cargo on this junk. The answer of the defendant stated that they had no information on this point and left it for the plaintiff to prove. It was a matter for the Court to decide whether it had been proved and he would not dwell on the question of the cargo as he would contend that his clients were not liable to any extent for the damage to these people and he submitted that he would call such evidence as to convince the Court that it was not any fault of the defendant that the accident occurred and the issue seemed to be quite plain. The plaintiffs alleged that the sinking of the junk was entirely due to the Ivy, and it was for them to prove it, but if the defendant could prove that the junk was not at the proper place of anchorage for junks, or did not have its lights burning brightly, in fact did not have any lights at all, and were anchored in the Fairway, then the Court would decide that the defendants were not in anyway at fault and that the plaintiffs would have to bear their losses themselves. Counsel had evidence of gentlemen who had no interest in this matter, and who would say that the junk had absolutely no lights burning whatever and they would testify that the junk was lying right in the Fairway; that she was right across the Channel in the regular course which ships would pursue in coming up river to Shanghai and when the tug boats went out to the Ivy the Fairway was perfectly clear and it was testified that the junk came in afterwards.



Captain Stetson, the master of the Ivy, said he went down to his ship with the tug Victoria between 9 and 10 a.m. and they had also the tug Fuhlee. There was a clear channel at the time and witness remarked on this fact. Witness took pilots down to his ship with him. When they came up at 4 or 5 knots the junk was in the Fairway—witness's ship could not go where the laodah marked the junk was lying. The junk was in the Fairway and if it had any lights on witness would have been bound to see them. There was a good lookout kept. After the collision witness did not throw anything at the junk or see anyone do so. The sails of the junk were up at the time of the collision and witness had to send hands down to lower them. As far as witness could see the junk people made no effort to save her and left her as soon as they could. If they had stayed on the junk the cargo would, without doubt, have been saved. The junk was towed up the river but after they had arrived at the anchorage the line she was fastened to the ship with parted, and she drifted away and sunk. Witness had no boat lowered at the time and there was no boat within call.

Cross-examined—The Ivy was in charge of the pilot but witness too was "very much on duty." The Ivy stopped for half an hour after the collision. Witness had the junk fastened to the Ivy by two six-inch lines and she drifted owing to the lines parting, and owing also to the weight of water and the strong tide.

G. B. Rae said that he was a licensed pilot. He left Shanghai about 9.30 p.m. on the night in question to go to the Ivy. When bringing the ship up river they encountered a junk in the middle of the Fairway without lights. There was another junk making towards the shore. She struck on the starboard side but only lightly. The other junk was right on witness before he saw it in mid-channel. Witness stopped the Ivy and put on stern way. The junk was connected with the Ivy and witness could not understand then what held her. The junk people left her in their sampan. Witness could not see his way because of the sails of the junk and men were sent down to lower them. Witness emphatically declared that the junk would have been saved if the crew had remained on her.

By Mr. Ohlinger—Witness could swear that the junk had no lights, one of the crew of the junk climbed on to the Ivy. Witness went on board the junk at Tung-ka-doo and she was dry so far as could be seen. They could only see bundles of paper and she was full of cargo.

A. G. Anderson, captain of the Tug Victoria, deposed that when they went out to the Ivy the channel was perfectly clear. When they returned they came upon the junk right in the middle of the Fairway. She had no lights burning, but her sails were hoisted.

Cross-examined—The engines of the tug were stopped two minutes before the collision occurred and the junk was then on the port bow but she fouled the Ivy's starboard anchor.

Captain Andrews, sworn, said he was the master of the tugboat Fuhlee. He then gave corroborative evidence as to the position of the junk at the time of the collision and to her showing no lights.

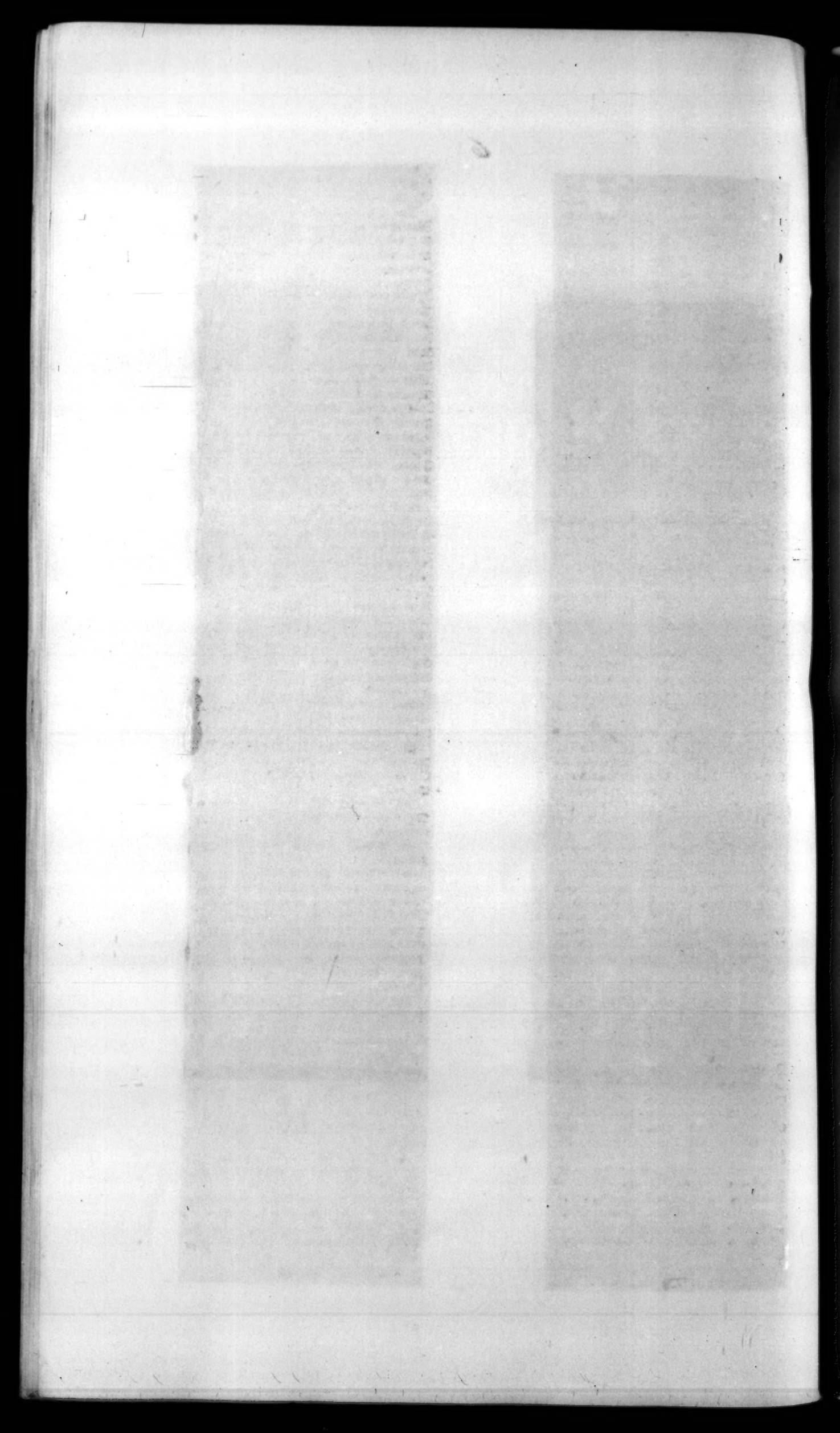
Cross-examined — Witness was afraid that the junk might carry away and run into him so he put out a number of fenders.

A. H. Best and F. Raffan, sworn, said they were apprentice pilots and gave corroborative evidence to the last witness.

This concluded all the evidence.

His Honour asked for Captain E. B. Rea's official report of the collision to the Harbour master and asked Captain Rea several questions in regard to it and witness reported that the junk was under way at the time He came to this conclusion as the junk's sails were hoisted, but it was not known at that time whether this was so or not.

After the final adresses of Mr. Brooks and Mr. Ohlinger His Honour said that judgment would be given at 10 a.m. on Tuesday, the 29th inst.



Shanghai, 29th August.

Before the Hon. JAMES L. RODGERS, Consul-General, sitting Judicially, as in Admiralty Procedure, and Messrs. J. C. SHENGLE and A. S. FORES, Assessors.

MASTER OF THE JUNK KING SHUN TAI V. THE SAILING SHIP IVY.

Mr. G. A. Ohlinger appeared for the plaintiff and Mr. F. M. Brooks for the defendant.

In the above case this morning the following decision was given.

DECISION.

In the libel of Zung Ah-she, of Ningpo, master of the Chinese junk King Shun Tai, on behalf of himself and others as owners, and for certain cargo owners, against the American sailing vessel Ivy, it appears from the weight of evidence that the collision between the vessels was caused by the fault or negligence of the King Shun Tai, dropping anchor in the Fairway of the Huangpoo river, and riding there without lights, thus inviting the disaster which soon occurred. There is good reason to believe that the abandonment of the Kung Shun Tai by her crew immediately after the collision was the result of panic and the natural conclusion that after the impact of such a large vessel as the Ivy the junk could not float. Evidence was given by the laodah of the junk and by members of his crew that they were not allowed to board the Ivy. Credit is to be given to this testimony since it was not disproved by the Pilot in charge or the officers of the Ivy, and because it is very probable that the Chinese crew of the Ivy. took that method of resenting the collision. Under these circumstances it cannot be claimed that the abandonment of the junk was improper. While the King Shun Tai was at fault in the collision, even if she was at anchor, the view that the responsibility of the Ivy ceased thereby cannot be taken. The evidence shows that the anchor of the junk by fouling an anchor fluke was held to the Ivy and that after some lashing had been effected she was carried up river to the berth selected off Shanghai. The collision according to all witnesses occured shortly after two o'clock in the morning of a clear but dark night. Shanghai was reached during the daylight hours, and then after the tugs which had brought the Ivy up, cast off, a cursory examination of the junk was made by the Pilot and the Berthing Master, who reported her dry, but who admitted that they did not examine her hold, although it could be seen that her bow had been sheared off to below the water line. A new six inch coir line was attached to the junk fore and aft, but there must have been some doubt as to the safety of the attachment, or the Pilot would not have instructed again to make the junk well fast. These witnesses testified to the junk being full of cargo, which appeared to be paper of various kinds. Shortly after the Pilot left, the junk broke loose from the ship and drifting down stream sank in deep water. The vessel and cargo being therefore almost a total loss, as only a little rigging was saved.

The is no evidence to show that the Master of the Ivy nor any of his officers or crew paid any attention to the junk until she was reported sinking and breaking away. That the ordinary precaution of beaching a vessel so injured could have been taken as soon as the Ivy reached her anchorage berth is apparent; that by so doing the vessel and cargo could have been saved is equally so. Even if it was too much trouble to do that or any other thing to insure safety, a careful examination of the damage would have disclosed some such necessity as salving the cargo. The anchor of the King Shun Tai was in the cable of the Ivy and her loss under all the circumstances was distinctly through fault and negligence, on the part of the Ivy.

Each vessel being at fault, the one for collision and the other for the loss of the vessel and cargo, the judgment is that the each shall bear one half of the loss of vessel and cargo and that each shall bear its own costs. It being from the evidence impossible accurately to determine the value of the King Shun Tai and her cargo, the Court will appoint a registrar to report upon the damages as soon as possible. The cost of such reference to be borne by the parties equally. In the meanwhile the Ivy will remain in charge of the United States Marshal, pending such further proceedings against her as may be ordered.

Mr. Brooks said he presumed that no judgment would be entered until the exact damages had been ascertained.

His Honour said that a registrar would be appointed to ascertain the damages.

Mr. Brooks said that would be satisfactory.

His Honour said the evidence of the damage was all given by interested parties and was somewhat conflicting. The Court had made numerous enquiries, but could get no satisfactory estimates as the value of the cargo. A registrar would he appointed who would ascertain the damages without any delay.

Mr. Ohlinger said he would like to suggest that a nautical or Customs man be appointed to assist the registrar.

His Honour said it would not be necessary.

Mr. Brooks said he hoped the damages would be ascertained at once.

Mr. Ohlinger said he would like to know the date of the departure of the Ivy so that no mistakes could be made.

Captain Stetson said he did not expect to get away until the end of next month.

His Honour said that everything would be done as soon as possible as the Court did not wish to increase the costs of the case any more than possible.

The Court then rose.

INDEX BUREAU OCT 4 1905 DEPT OF STATE

3rd ASST. SECRETARY. OCT 3 1905

No. 42

AMERICAN CONSULATE-GENERAL,

SHANGHAI, September 8th , 1905 .

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

Ans Oct 10/05

SUBJECT:

Ah See Kuah

ABSTRACT OF CONTENTS:

Submitting petition of Ah See Kuah for registration as an American and brief of E. H. Lamme Esq. in support of same. Statement of action of Shanghai Consulate General on question.

INDEX BUREAU OCT 11 1905 FILED

CHIEF CLERK, OCT -3 1905 Department of State.

Ah Bee Kuan

submitting petition of Ah Bee Kuan
for registration as an American and
brief of E. H. Lamme Esq. in support
of same. Statement of action of
Shanghai Consulate General on question.

No. 42.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, September 8th , 1905.

THE HONORABLE Francis B. Loomis,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to forward herewith at the request of E. H. Lamme Esquire, an American attorney practicing in Shanghai, a petition of Ah See Kuah, a Chinese, relative to registration as an American citizen he having been granted naturalization in Richland County, Ohio, on 30th of June 1875. Accompanying is a brief of Mr. Lamme in support of his contention that the said Ah See Kuah should be registered as an American.

In explanation I beg to state that when this matter was presented to me some weeks ago, I refused registration after a careful examination of the facts and the decisions bearing upon such a case. I refer you to the case Fong Yue Ting v United States, 149 U. S. 716, 37 L. Ed. 914, 13 Sup. Ct. Rep. 1016 and to United States v Wong Kim Ark 169 U. S. 649, 42 L. Ed. 890, 18 Sup. Ct. Rep. 456. These cases are also cited in Van Dyne's "Citizenship of the United States" page 58.

In his brief Mr. Lamme states my position too broadly. I do not contend that he could not have been naturalized, but that in view of the decisions of the Supreme Court his naturalization was illegal and therefore void

The man Ah See Kuah, was a student at Kenyon College, Ohio, and returned to China about 1877, since which time he has been continuous resident of Shanghai. I understood

stood that my predecessor and perhaps others have refused registration. As far as I know he is of good character.

Mr. Lamme desires that the matter should be given consideration by the Department with a view of determing the question.

I have the honor to be,

Sir,

Your obedient servant,

Thos L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

Enclosures: 2 as stated.

Page 4.

cious that my predecessor and perhaps others have refused registration. As far as I know he is of good character.

Mr. Jaime desires that the matter should be given consideration by the Department with a view of deciding the question.

I have the honor to be,

Sir,

Your obedient servant,

AMERICAN CONSUL GENERAL.

X.R.

Inclosures: 2 as stated.

Shanghai, China, September 2nd, 1905

To the Hon. J. G. Rodgers,
American Consul General -
Shanghai, China.

Sir:-

Ah See Kuah respectfully shows, that on the 30th. day of June, A.D. 1875, by the order and judgment of the Probate Court of the County of Richland, in the State of Ohio, he was duly and legally naturalized and there and there became a citizen of the United States; and he now presents a duly certified copy of said order and judgment so made and entered by said Court, in the said matter.

And he further shows, that he has never at any time renounced his allegiance to the United States of America and has never assumed, or, owned allegiance, or, fidelity to any foreign Prince, Power, Potentate, State, or, Sovereignty, since the date of his said naturalization.

That he is now a resident of Shanghai, China and he respectfully requests that he be registered in this Consulate as an American citizen. Ah See Kuah.

In the American Consulate

Shanghai, China.

In the Matter of the Application of Ah See Kuale For Registration } Brief.

The objection made by the Consul General to the registration is, that he knows that the applicant is a Chinese and as such, could not be naturalized.

The record is the only evidence upon which the officer is legally authorized to act and because it states that Ah See Kuale is a native of China, is no evidence that he is a Chinese. A man born of English parents in China and always having lived there, when naturalized, would be described as an alien, native of China — in the same language as the applicant — and no extraneous fact can be permitted to impeach the judgment.

The record of a Court of competent jurisdiction, cannot be impeached in a collateral way - but such record, like any other judgment, affords complete evidence of its own validity.

In the Common Council

Monday Evening

Application
of
Geo Hunt
for Appointment

Ordered

The objection made by the Counsel
Counsel to the application is that the Counsel
made no publication
until not be published.

The word is the only evidence
that our Ordinance it directs that it be published
in a Daily, in no evidence that
there is a Daily. Common Council of Chicago
there when publication would be necessary
in any other publication of Chicago — in the case
of the application — and no evidence
that there is any publication
word of a Court of Competent
jurisdiction required to be published in any
publication of public evidence of the
publication.

If such be not the case, naturalization can be of no avail against the mere personal opinion of an officer.

Courts of competent jurisdiction are authorized to make decrees of naturalization and before doing so, must find, among other things, that the applicant has, - - - - - -

1st - Lived in the United States five years.

2nd - That during such time, he has been of good moral character.

3rd - That he has renounced his allegiance to all other sovereignties.

4th - That he has renounced any title of nobility.

5th - And since 1882 that he is not a Chinese.

Let us suppose that A, B, C, D and E, each with proper certificates of naturalization, issued by Courts of competent jurisdiction, make application to a U.S. Consulate for registration - the officer says to, - - - -

A. - Cannot register you, as I personally know, or, have reason to believe that you have not lived in the United States five years.

B. - Cannot register you, because I know you never did have good moral character, such as the law requires.

C - I do not believe, or, know you never renounced allegiance to your former sovereign.

D.- I know you still call yourself a Baron.

E.- I know you are a Chinese.

If any one of these objections is good, they are all good; and you have the findings and judgments of your Courts completely and perfectly impeached by the mere opinion of your executive officer, as each and every of the questions were submitted and passed upon by the Court, before it entered its decree of naturalization.

As to whether an applicant for naturalization is a man of good moral character, and has lived in the United States the requisite length of time, are facts submitted for the Courts determination - as to whether an applicant is a Chinese, is a fact submitted in the same way, and the decree is final and conclusive in every case and the judgment is subject only to direct attack.

The Court in admitting an alien to citizenship, acts judicially.

1 Minor Institutes 140.

Ex-parte Knowles 5 Cal. 302.

In-re Clark 18 Barbour (N. Y.) 444.

The admission of an alien to citizenship by a Court of competent jurisdiction, has the effect and force of a judgment of such Court and the record is conclusive evidence of the facts.

14 Opinions Atty Genl 509.
Spratt vs. Spratt, 4 Peters (U.S. Supreme Court) 406.
Starke vs. Ins. Co. 7 Cranch (U.S. Supreme Court) 420
In re Coleman 15 Blatchford (U.S.) 420.

The judgment of the Tribunal, or, Court, to which the power to grant naturalization is confided by the Supreme power in the State, is conclusive as to law and fact everywhere and upon all the world.

18 American Law Register N.S. 674
In re Acorn 2 Abb. U.S. 443.
People vs. McGowan 77 Ills 644.

In the case of Campbell vs. Gordon, 6 Cranch (Supreme Court U.S. 176), the Court expressly holds that every question of both law and fact, is presumed to have been considered and the judgment is held conclusive.

In the later case of Spratt v. Spratt, 4 Peters, 406, Chief Justice Marshal delivered an exhaustive opinion covering the whole question. In conclusion, he says:—

The practice of the Court in relation to the grant of prerogative writs is set out in the judgment of Lush J. in Ex parte Smith, 1 Q.B.D. 692, at p. 695:

"The Court will not grant a writ of prohibition unless it is clear that the inferior tribunal is about to act in a matter of which it has no jurisdiction, or unless it is clear that in the course of the proceedings or in the decision of the matter the inferior tribunal is about to depart from the rules of natural justice, and the effect of so doing will be that the proceedings and decision will be void and of no effect in law."

In Ex parte Bunbury, 1 Q.B.D. 714, at p. 719, Cockburn C.J. said:

"The Court will not grant a writ of prohibition unless it is clear that the inferior tribunal is about to act in a matter of which it has no jurisdiction, or unless it is clear that in the course of the proceedings or in the decision of the matter the inferior tribunal is about to depart from the rules of natural justice, and the effect of so doing will be that the proceedings and decision will be void and of no effect in law."

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OCT 16 1905

"The various acts upon the subject, submit the decision on the right of aliens to admission as citizens to Courts of record; and to judge on both law and fact. This judgment is entered on record as the judgment of the Court— It seems to us, if it be in legal form, to close all inquiry, and like every other judgment to be complete evidence of its own validity".

If the decisions of the Supreme Court of the United States have any binding force and effect upon the executive branch of the Government, then the question is not debatable and the applicant is entitled to registration.

Respectfully submitted,

Edwin H. Lamme,

Attorney for Applicant.

"In reviewing each case the judicial
[illegible] the decision on the right of claims
[illegible] decisions on citizens to Courts of record;
[illegible] is guided on both law and fact. This
[illegible]judgment is entered on record as the
[illegible]judgment of the Court. It seems to me
[illegible] it: he is legal power to close all inquiry
[illegible] into every other judgment & to conclude
[illegible]balance of title over validity."

Of the decision of the Supreme Court
of the United States here and binding here
[illegible] effect upon the question involved
[illegible] Government that the question is not
[illegible]table and the applicant is entitled to
[illegible]plication.

Respectfully submitted

Edwin H. Hamm

Attorney for Applicant.

3rd ASST. SECRETARY.
OCT 16 1905

No. 43

AMERICAN CONSULATE-GENERAL,

B.M. 10.124

SHANGHAI, September 12th , 1905.

File

ACKNOWLEDGED
NOV 3 1905
BUREAU OF TRADE RELATIONS

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

CHIEF CLERK,
OCT 11 1905
Department of State.

Bur. Trade Rels.
Copied in part to Com. Hadley
Nov. 3. '05

SUBJECT:

Boycott.

ABSTRACT OF CONTENTS:

Reporting on the present condition of boycott.

INDEX BUREAU
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FILED

No. 43.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, September 12th , 1905 .

THE HONORABLE Francis B. Loomis,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to state that the boycott is not much in evidence in Shanghai, American goods under contract being taken and forwarded, and in many instances new purchases being made. My information is that no meetings of consequence are being held, no placards are being posted, and no attempt in general is being made to revive the agitation. The Chinese merchants are still timid but are regaining confidence. The native press is not hostile and published without any unfriendly comment an interview with Secretary of War Taft given Saturday.

copy

The report from the outports is satisfactory with the exception that the product of the British-American Tobacco Co. - namely cigarettes - is still being boycotted somewhat. It is believed however that this is rather the result of trade competition with cigarettes of Japanese and Chinese manufacture than of the boycott against American products.

The opening of the Manchurian trade to Newchwang is certainly responsible for a goodly portion of the better conditions, but the influence of the Imperial Edict, the proclamations of the Viceroy, the opposition of the merchants to further agitation have all been factors of the greatest importance.

I

I will watch the matter closely and keep the Department informed of any new developments.

I have the honor to be,

Sir,

Your obedient servant,

Jas. L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

OFFICE OF THE
THIRD ASSISTANT SECRETARY.

BUREAU OF
FOREIGN COMMERCE.

then to

CONSULAR BUREAU.

ACKNOWLEDGE.

Jo. N.D.R.

File

DIPLOMATIC BUREAU
OCT
17
1905
DEPARTMENT OF STATE

DIPLOMATIC BUREAU
OCT 13 1905
DEPARTMENT OF STATE

3rd ASST. SECRETARY.
OCT 16 1905

No. 44

AMERICAN CONSULATE-GENERAL,

SHANGHAI, September 12th , 1905.

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

CHIEF CLERK,
OCT 11 1905
Department of State.

Asst to Auditor
Oct 18 '05

SUBJECT:

Leave of absence.

ABSTRACT OF CONTENTS:

Requesting leave of absence for 15 days.

INDEX BUREAU
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No. 44.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, September 12th , 1905 .

THE HONORABLE Francis B. Loomis,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to request leave of absence for a period not exceeding fifteen days, to enable me to proceed to Japan to meet my family arriving in Yokohama about October 15th. It is my desire to leave here about October 10th and to arrive October 23rd. During this absence the Consulate General will be in charge of Mr. W. P. Boyd, Deputy Consul General. This request could not be made sooner on account of not knowing when I would have to leave Shanghai.

I have the honor to be,

Sir,

Your obedient servant,

Jas. L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

Memphis, September 12th

Francis E. Dewitt,

I have the honor to request leave of absence
for a period not exceeding fifteen days, to enable me to
proceed to Japan to meet my family arriving in Yokohama
about October 15th. It is my desire to leave here about
October 10th and to arrive October 25th. During this
absence the Consulate General will be in charge of Mr. E. F.
Hogg, Deputy Consul General. This request would not be
sent before on account of not knowing when I would have to
leave Shanghai.

I have the honor to be,

Sir,

Your obedient servant,

American Consul Gen'l.

No.

CONSULAR BUREAU
OCT 17 1905
DEPARTMENT OF STATE

DEPT OF STATE
OCT 17 1905

3rd ASST. SECRETARY.
OCT 16 1905

No. 4

AMERICAN CONSULATE-GENERAL,

SHANGHAI, September 13th , 1905.

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

CHIEF CLERK,
OCT 11 1905
Department of State.

SUBJECT:

Tseng Shao-ching.

Answered by form Oct 18/05

ABSTRACT OF CONTENTS:

Transmitting a photograph of Tseng Shao-ching, leader of the American Boycott.

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No. 1

AMERICAN CONSULATE-GENERAL,

SHANGHAI, September 13th , 1905.

THE HONORABLE Francis B. Loomis,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to enclose herewith for the Department's files the photograph of Taot'ai Tseng Shao-ching, the so called leader of the American boycott.

I have the honor to be,

Sir,

Your obedient servant,

Geo. E. Rodgers

AMERICAN CONSUL GENERAL.

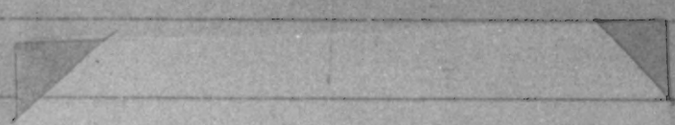
Y.W.

Enclosure: Photo of Tseng Shao-ching.



曾君岑卿像

Tsung Tsun Hsing.
Forbidder of buying and
selling American Goods.



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3rd ASST. SECRETARY. OCT 16 1905

No. 45

AMERICAN CONSULATE-GENERAL,

SHANGHAI, September 14th, 1905.

3 M. 10.112

file

To Com. & Labor, in part, and

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

ACKNOWLEDGED NOV 3 1905 BUREAU OF FOREIGN AFFAIRS

CHIEF CLERK, OCT 14 1905 Department of State.

SUBJECT:

Trade of Shanghai.

ABSTRACT OF CONTENTS:

Reviewing present trade importance of Shanghai, and the probable growth of the city in population and commerce; giving the export and import values of the principal nations for the year 1904, and calling attention to the necessity for a United States building.

INDEX BUREAU NOV 4 1905 FILED

Trade of Shanghai.

Reviewing present trade importance of Shanghai; and the probable growth of the city in population and commerce; giving the export and import values of the principal nations for the year 1904, and calling attention to the necessity for a United States building.

No. 45.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, September 14th , 1905.

THE HONORABLE Francis B. Loomis,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to submit the following general statement as to the American Consulate General at Shanghai, and respectfully to solicit for its conclusions such consideration as may seem proper.

In estimating the necessity for adequate representation of the United States of America in Shanghai it is proper that some reference should be made to the present and future importance of the city itself. As at present constituted Shanghai consists of a native city with a population of perhaps 700000, according to latest opinions, and international settlements which contain fully 200000 people of whom approximately 15000 are foreigners of all nationalities. This population is constantly increasing owing to the advantages offered as a place of residence, and it is certainly safe to say that in ten years the city as a whole will contain at least 1500000 people, the ratio of increase of foreigners being about the same as that of the Chinese. It is easy to understand why Shanghai is developing into a great city. Round about are the great Chinese centers of Soochow, Hangchow, Ningpo, Fuchau, Wuhu, Chinkiang, and Nanking, with their fertile tributary areas, and their industries of various kinds. The great Yangtse delta country, productive to a high degree, is backed by the Yangtse valley stretching a thousand miles inland, having populous and rich cities lying in a country of undeveloped richness according

to

Memphis, September 24th

Francis B. Loomis,

I have the honor to submit the following general statement as to the American Consulate General at Shanghai, and respectfully to solicit for its consideration such consideration as may seem proper.

In estimating the necessity for adequate representation of the United States of America in Shanghai it is proper that some reference should be made to the present and future importance of the city itself. As at present constituted Shanghai consists of a native city with a population of perhaps 700000, according to latest opinions, and international settlements which contain fully 500000 people of whom approximately 13000 are foreigners of all nationalities. This population is constantly increasing owing to the advantages offered as a place of residence, and it is confidently safe to say that in ten years the city as a whole will contain at least 1000000 people, the ratio of increase of foreigners being about the same as that of the citizens. It is easy to understand why Shanghai is developing into a great city. Found about are the great Chinese centers of Canton, Hangchow, Ningpo, Nanking, Wuhu, Chinkiang, and Hankow, with their fertile tributary areas, and their facilities of various kinds. The great Yangtze Kiang country, productive to a high degree, is reached by the Yangtze valley stretching a thousand miles inland. Having regions and rich objects lying in a country of undeveloped resources accessible

to modern ideas. The trade and commerce of this great region with a population estimated from 125,000,000 to 175,000,000 must filter through Shanghai, leaving its effect in ever increasing volume. With such resources at home there could not fail to be results, but in addition Shanghai has the advantage of being the natural port for middle China. Here in the track of the ocean traffic call the ships from Japan and from the Occident. Here the cargo for the North is transhipped and from here it goes to the coast cities, to Manchurian ports, and to Korea. Then up the Yangtse is sent the world's product and each year the consumption grows greater. With the improvement of the Whangpoo River and the Yangtse bar will ensue a rush of commerce here which will make present day affairs small. The dredging operations to provide this improvement will begin soon and then Shanghai as a deep water port will soon be an actuality.

It is in recognition of not only the present importance but also the greater of the immediate future that this plea for better American representation is made. The principal competitors of the United States in the Shanghai trade are naturally England, Germany, France and Japan. A comparison of the trade of Shanghai in 1904 with the great nations will be applicable.

Allowing Great Britain and her colonies all the importations from Hong Kong, (twenty five per cent of the total given below) which is entirely beyond propriety for a large amount of American product is transhipped there and is classed afterwards as English shipments, the figures are $85,583,691.30 gold. Those for the Continent of Europe and including value of shipments from Russia in Asia are $13,225,858.07. Those for Japan and Formosa are $20,310,821.00 and those for the United States, Hawaiian and Phillipine Islands are $19,032,216.66.

In exports under the same classification of countries

and

and under the same conditions as to Hong Kong, Europe took to the value of $31,326,139.85 gold; Japan $23,295,951.30; the United States $18,889,360.87 and Great Britain $18,207,443.87 of which more than half was sent to Hong Kong for transhipment. It should be understood that all these figures are somewhat approximate, since the official records do not yet afford accurate results.

It is undoubtedly true that American trade with Shanghai had before the boycott only two great competitors-- Great Britain and Japan-- and with neither did her importations and exportations vitally conflict.

But all the nations are now doing their utmost to attract the attention of the Chinese, to increase their influence, and to obtain a stronger foothold. Aside from the long established prestige of Great Britain, there is the every day effort to maintain and increase the respect paid to the English; Germany, not content with her fine Consular establishment and system, is constantly endeavoring to perfect her conditions in the outports; France, with her large concession in Shanghai and its able government, is improving her foothold in important places, and Japan, with her emmissaries broadcast, is taking advantage of every opportunity. In Hankow is best seen the evidences of the aggressive tactics of our competitors and the increase of their merchant marine seen in Shanghai is the logical consequence. To the Chinese, for whom display is an essential and who measure nations as well as men by something of that standard, there is a significance in the exploitation of the other powers here, just as there is in the seeming indifference of the United States. The handsome English, French and German Consulates on the water front of Shanghai do not fail to make an impression on the Chinese. Nor can it be said that they fail to remember that the American Consulate is in a shabby building, on a back street, a location to which it is condemned by reason of the fact that rents and

values

and under the same conditions as to Hong Kong, Europe took
to the value of $31,329,139.86 gold; Japan $33,303,283.30;
the United States $18,885,830.07 and Great Britain $10,807,
443.87 of which more than half was sent to Hong Kong for
transhipment. It should be understood that all these figures
are somewhat approximate, since the official records do not
yet afford accurate results.

It is unfortunately true that American trade with
Shanghai had before the boycott only two great competitors--
Great Britain and Japan-- and with neither did her importa-
tions and exportations vitally conflict.

But all the nations are now doing their utmost to
attract the attention of the Chinese, to increase their in-
fluence, and to obtain a stronger foothold. Aside from the
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English; Germany, not content with her fine Consular establish-
ment and system, is constantly endeavoring to perfect her
conditions in the outports; France, with her large concession
in Shanghai and its able government, is improving her foothold
in important places, and Japan, with her emissaries-business,
is taking advantage of every opportunity. In Hankow is best
seen the evidences of the aggressive tactics of our competitors
and the increase of their merchant marine seen in Shanghai
is the logical consequence. To the Chinese, for whom display
is an essential and who measure nations as well as men by
something of that standard, there is a significance in the
exploitation of the other powers here, just as there is in
the wearing indifference of the United States. The business
English, French and German Consulates on the water front of
Shanghai do not fail to make an impression on the Chinese.
Nor can it be said that they fail to remember that the American
Consulate is in a shabby building, on a back street, a location
to which it is consigned by reason of the fact that rents and

rentals

values in Shanghai have increased so much in recent years that another place is simply far beyond the financial resources allowed.

Furthermore the Chinese as well as foreigners are alive to the fact that the nations heretofore named have the facilities for acquiring trade information and for transacting business in a proper way. They know for instance that Great Britain has a large force of Englishmen in the various departments of its representation; that Germany not only has a large number here, but also has men traveling on trade matters; that France is likewise provided and that Japan is represented everywhere. They know that absolute count will show that in Shanghai where the United States has one employe Great Britain and Germany have six, France about four and Japan counting only these in evidence three.

There is urgent need of change in this condition, not so much for the relief of the present personnel as for the benefit of American interests in general. Under a proper division of the work in the hands of competent men the results would soon accrue, and instead of the rather hap-hazard methods enforced by the present limitations there could come systematic progress which would be of great value in every way.

To be definite it can be said that with as little delay as possible the United States government should own its own building in Shanghai and in it should be housed the various branches of its service represented here. At the present time there are five departments to be provided for--the Consulate General, the Court and jail (under extra territorial rights) , the Postal Agency for China, the special investigation into trade conditions by the Department of Commerce and Labor, and the inspection provided by the Marine Hospital Service. The Consulate building, located on Whangpoo Road, is an old and inadequate building, possessing jail accomodations

values in Shanghai have increased so much in recent years that another phase is simply far beyond the financial resources allowed.

Furthermore the Chinese as well as foreigners are alive to the fact that the nations hereinbefore named have the facilities for acquiring trade information and for transacting business in a proper way. They know for instance that Great Britain has a large force of Englishmen in the various departments of the representation; that Germany not only has a large number here, but also has men traveling on trade matters; that France in likewise provided and that Japan is represented everywhere. They know that absolute count will show that in Shanghai where the United States has one employe Great Britain and Germany have six, France about four and Japan counting only those in evidence three.

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To be definite it can be said that with as little delay as possible the United States government should own its own building in Shanghai and in it should be housed the various branches of its service represented here. At the present time there are five departments to be provided for-- the Commissioner General, the Court and jail (under extraterritorial rights) , the Postal Agency for China, the special investigation into trade conditions by the Department of Commerce and Labor, and the information provided by the Marine Hospital Service. The Commissioner building, located on Shanghai Road, is an old and inadequate building, possessing little so-

accomodations which are a disgrace to the nation. For these quarters a total of $2250 gold per annum is paid, the Consulate being charged with $1000, the jail with $750 and the postal agency with $500. The taxes being ten per cent brings the total to $2450. The Marine Hospital Service maintains separate quarters, and in event of the representation of the Department of Commerce and Labor being made permanent, accomodations will have to be found for that. The lease on the Consulate has about five years to run, but at its expiration it is certain that the rent will be doubled and under the present allowance that will mean that the United States offices will have to seek quarters remote from the business center of the city. All this is somewhat of a repetition of a previous report on the subject, but it is given again to preface properly the argument for a United States building.

Land values in Shanghai have increased enormously in the last few years and property which could have been acquired a comparatively short time ago by the American Government for $35000 Mexican is now supposed to be worth at least ten times that much. To show the values fixed for Bund sites the German Club recently paid at the rate of $425000 gold per acre. It is certain that any investment on the water front of Shanghai will double in value in a short time and for that reason available sites are now held at apparently prohibitive figures. But assuming that the land for a building site, such as the Astor House Garden, a plat of which is on file at the Department, would cost $125000 gold and that a building of five stories in height with a basement devoted to a jail, would cost an equal amount, the investment at an American rate of interest would mean but little more if any than will be necessary for the government to pay in the near future for its officers here. A building entirely adequate, provided with a good Court room and modern jail, a post office and all necessary offices, can certainly be constructed for the amount named and will be suitable for

its

its purposes for all time. The increase in the value of the land will be constant.

With such a building in which each branch of American service in the Orient can work to good effect there cannot fail to be a good return. The time is coming in the Orient and especially in Shanghai when the United States will have to systematize its commercial observation and contingent duties; the loose methods of the present will have to give way to the same well regulated and accurately adjusted plans by which a business obtains its knowledge of the field of operations; there will have to be a strictly commercial department at every Asiatic Consulate of importance, and if the suggestion of examining here Chinese wishing to enter the United States is adopted, there will be still further need for the facilities advocated. That which is true of the commercial side of this question as it relates to Shanghai and to other important places in China, is also true about the other branches of government work. A district Court and its staff will need quarters entirely beyond the present accomodations, the post office is rapidly outgrowing its space, and the consular apartments owing to the race with which we have to deal are already known as unsuitable in every way.

If some upheaval, far greater than the boycott, should come in China, and American prestige should be lost the present quarters would be all sufficient, but since such an issue is entirely improbable and there is good reason to believe that American interests in China, can only increase, there must come some such improvement of conditions as is outlined here or we will assuredly regret it in the future.

I have the honor to be,

Sir,

Your obedient servant,

Jas. L. Rodgers

AMERICAN CONSUL GENERAL.

I have the honor to be,

Sir,

Your obedient servant,

AMERICAN CONSUL GENERAL.

CONSULAR BUREAU
OCT 17 1905
DEPARTMENT OF STATE

OCT 15 1905
DIPLOMATIC BUREAU

3rd ASST. SECRETARY.
OCT 16 1905

No. 46.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, September 15th, 1905.

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

CHIEF CLERK,
OCT 11 1905
Department of State.

To Senator Foye
Oct 18/05

SUBJECT:

Estate of H. H. Cunningham.

ABSTRACT OF CONTENTS:

INDEX BUREAU
OCT 20 1905
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Sent to S dep 5/05

9 June 1905 to S

Sent to Foye

No. 46.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, September 15th 1905., 190 .

THE HONORABLE Francis B. Loomis,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to acknowledge receipt of the Department No. 4. with the enclosed copy of a letter from Hon. Wm. P. Frye, relative to the matter of the estate of the late Henry H. Cunningham. In reply I beg to state that in accordance with the will of the deceased E. H. Dunning Esq., one of the foremost American business men of Shanghai, was appointed executor, and I understand from him that full information concerning the estate has been forwarded to Mrs Mather. I also have written her. The probate of the will and all proceedings subsequent thereto have been given close attention, and a sufficient bond was required. The matter will probably be closed up this month.

I have the honor to be,

Sir,

Your obedient servant,

Jas. L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

DEPARTMENT OF STATE,
CONSULAR BUREAU.

There are the only 2 papers from Shanghai re. this. The Solicitors office has been looking into the case at instance of Judge Cotton.

3rd ASST. SECRETARY.
OCT 16 1905

No. 47

AMERICAN CONSULATE-GENERAL,

SHANGHAI, September 15th, 1905.

Secretary of State.
OCT 30 1905
CONSULAR BUREAU
OCT
20
1905
DEPARTMENT of STATE

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

CHIEF CLERK,
OCT 11 1905
Department of State.

SUBJECT:

OCT 31 1905
DEPARTMENT of STATE

ASSISTANT SECRETARY
OCT 28 1905

Organization of student groups.

ABSTRACT OF CONTENTS:

Reporting organization of Student groups for boycott action if necessary and for reforming cause.

INDEX BUREAU
NOV 1 1905
FILED

re the boycott of American Goods

No. 47.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, September 15th , 1905.

THE HONORABLE Francis B. Loomis,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to state that the student body, which under the leadership of Tseng Shao-ching, Ma and Yu Chung, have been prosecuting the boycott and conspiring against American trade not only in Shanghai and its outports but also in all China with possibly the exception of Manchuria, is now, according to trustworthy information, forming into groups or societies, the avowed object of which is to enforce demands upon foreign nations through boycott action, personal violence, riot, and slander, not to mention other methods in which the Chinese are peculiarly adept. It is stated that the members of these groups, which it should be understood are entirely distinct from the secret societies so common in China, have pledged themselves to united action upon any cause which demands their attention, and that they will stop at nothing to accomplish their ends.

It is generally admitted that the movement, which is the natural outcome of such an organization as that perfected for the boycott work, is really the expression of allegiance to the reform cause of Kang Yu Wei and that under its present guise it is virtually anti-dynastic and violently anti-foreign. From Japan come reports that Liang Chi Chao, the lieutenant of Kang Yu Wei, is urging the formation of these bands of reformers and treaty breakers, and that no effort is being spared to encourage them.

The

I have the honor to state that I am advised by [illegible] that the Government of China has been [illegible] and the passports but also in all China with possibly the exception of Manchuria. In view, according to trustworthy information, leaving into groups or isolation, the avowed object of which is to endorse Canada upon foreign nations through boycott action, personal violence, riot, and finally, not to mention other methods to which the Chinese are [illegible] easily adept. It is stated that the members of these groups, which it should by understood are carrying about upon the recent occasion to Canada, have pledged themselves to undergo action even to the sacrifice of their lives, in order to attain their ends.

It is generally admitted that the natural outcome of such an organization as that mentioned for the Pacific Coast, is finally the expression of disloyalty to the Government under the present rules it is virtually anti-British, and that the interests of China in Canada, and that the interests of China in Canada, [illegible]

The news of this movement has been received with uneasiness in Shanghai, where its import is appreciated to the fullest extent. Foreigners here understand that while at present the boycott on American goods owing to a variety of causes, all of which are rather remote from Governmental control, is suspended, or at least in abeyance, there still exists the intention of trying to revive it if the treaty is not satisfactory, and that there is a determination not to lose the control of a multitude which seemed so willing to obey the dictates of self constituted leaders. The anti-foreign sentiment, which was but ill-concealed during the acute stages of the boycott, has not been forgotten, nor has the independence brought about by the example of Japan been lost sight of.

Just what the meaning of it all will be is even beyond those who claim to understand the Chinese. That something will come of it, is, however, plain to all. It requires no stretch of the imagination to predict the probability of political disturbance in China, and unless some strong restraining influence is applied it will come soon. This is not an alarmist view, but rather the consensus of sober opinion at a place when the authority of the Central Government is more or less despised and where under the rule of weak and inefficient officials a revolutionary party could fourish and grow strong.

There can as yet be only a general statement of this new phase of Chinese aggression, but in the near future it is my hope to be able to present it in particular detail.

I have the honor to be,

Sir,

Your obedient servant,

Jas L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

DEPARTMENT OF STATE,
CONSULAR BUREAU.

Mr. Bacon,

The Secretary may wish to see this.

FMH

OK 28 MB

The Assistant Secretary.

....., 1904.

~~CONSULAR BUREAU:~~

The Secretary

OFFICE OF THE
THIRD ASSISTANT SECRETARY.

BUREAU OF
FOREIGN COMMERCE

Noted
J.B.O.

CONSULAR BUREAU.

Acknowledge

H.W.D.T.

No. #

AMERICAN CONSULATE-GENERAL,

SHANGHAI, September 18th, 190

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

SUBJECT:

Marriages

ABSTRACT OF CONTENTS:

Transmitting marriage certificates issued to J. Smirnof and Alice Reynolds and W. S. P. Keys and Eleanor M. Lanyon.

CONSULAR BUREAU NOTED.
ack'g from Oct 26, 1905.
CONSULAR BUREAU OCT 18 1905 DEPARTMENT OF STATE
3rd ASST. SECRETARY. OCT 18 1905
CHIEF CLERK, OCT 17 1905 Department of State.
INDEX BUREAU OCT 27 1905 FILED

No. 4

AMERICAN CONSULATE-GENERAL,

SHANGHAI, September 18th , 1905.

THE HONORABLE Francis B. Loomis,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to enclose herewith copies of marriage certificates issued to John Smirnof and Alice Reynolds and William Stuart Parrott Keys and Eleanor Mabel Lanyon in compliance with the Consular Regulations.

I have the honor to be,

Sir,

Your obedient servant,

AMERICAN CONSUL GENERAL.

Y.W.

Form No. 87.

CERTIFICATE OF MARRIAGE

Consular Office of the United States of America

SHANGHAI, CHINA Sept 10th 1905

I, W. O. Boyd, Deputy Consul-General of the United States at Shanghai, China, do hereby certify that, on this tenth day of September A.D., 1905, at St. Andrews Chapel in the city of Shanghai, China, John Smimoff, aged 27 years, born in Austria and now residing in Shanghai, China, and Alice Reynolds, aged 25 years born in Springfield, Ill., and now residing in Shanghai, China, were United in Marriage before me, and in my presence, by Rev. G. F. Mosher, who is authorized by the laws of New York to perform such a ceremony

CONSULAR BUREAU NOTED

In Witness Whereof I have hereunto subscribed my name and affixed the seal of my office at Shanghai, China, this tenth day of September, A. D., 1905, and of the Independence of the United States the one hundred & thirtieth

W. O. Boyd

Deputy Consul-General of the United States of America.

Fee one dollar. To be issued in duplicate.



Form No. 87.

CERTIFICATE OF MARRIAGE

NOTED.

Consular Office of the United States of America

SHANGHAI, CHINA Sept 13th 1905

I, M. O. Boyd, Deputy Consul-General of the United States at Shanghai, China, do hereby certify that, on this thirteenth day of September A.D., 1905 at Astor Hotel in the city of Shanghai, William Stuart Garrett Sleys, aged 38 years, born in Carrollton, Mississippi and now residing in Seattle, Wash. (1st Officer S.S. Minnesota) and Eleanor Mabel Langan, aged 32 years born in Manchester, England and now residing in Chicago, Ill., were United in Marriage before me, and in my presence, by Rev. George Robert Loeber, who is authorized by the laws of Georgia to perform such a ceremony.

In Witness Whereof I have hereunto subscribed my name and affixed the seal of my office at Shanghai, China, this 13th day of Sept, A. D., 1905, and of the Independence of the United States the 130th

M. O. Boyd

Deputy Consul-General of the United States of America.

Fee one dollar. To be issued in duplicate.



No. 48.

CONSULAR BUREAU
OCT
19
1905
DEPARTMENT OF STATE

AMERICAN CONSULATE-GENERAL,

SHANGHAI, September 21st, 1905.

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

ASSISTANT SECRETARY,
OCT 19 1905

SUBJECT: Answ by form Dec 2/05

American prostitutes in the Orient.

ABSTRACT OF CONTENTS:

Reporting upon the American prostitute in the Orient, and the practice of designating all white prostitues as "Americans".

INDEX BUREAU
JAN 25 1906
FILED

CHIEF CLERK,
OCT 13 1905
Department of State

No. 48.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, September 21st , 1905.

THE HONORABLE Francis B. Loomis,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to state in reply to the Department's circular letter of August 19th 1905, relating to "American" prostitutes in the Orient, that the statements made in the extract accompanying, both as to fact and conclusion, are practically correct in all essential particulars.

As this question was brought to my attention soon after arrival here and as it warranted investigation, I am able to offer this with some certainty as to detail, and with the hope that it will in some measure serve to show what injustice has been current in the matter.

The condition is easily explained and that which obtains in Shanghai applies I understand with almost equal force to every large Oriental port from Singapore north. Many years ago when the British authorities at Hong Kong and Indian ports determined to regulate prostitution and to prevent if possible the advent of English prostitutes, it was agreed that an easy evasion could be secured under the name of American, and that idea having been adopted, and the rule became general. The Indian, Australian, and English prostitute became for the time being the American prostitute, and while a goodly percentage of the annual supply were in fact of American birth, there were also those who came to China from England and Australia via San Francisco

and

and even the Suez, but upon arrival were always "Americans" and were so known officially and by common report.

Shanghai furnishes in the present time an excellent example of this established custom, which can only be called the prostitution of the American name. The war between Japan and Russia made this city a harbor of refuge of many kinds, and into it streamed the prostitutes from Port Arthur, Dalny, and Vladivostock and from the South and East as well. Here under the looseness and the licentiousness of a refugee class they flourished, being known, except when such a designation was a manifest absurdity under the title of "American girls". Yet the Shanghai Colony of prostitutes includes nearly all nationalities. The American women only number about forty but as they are the most prominent of their type and are most in evidence they foster the impression that their real number is five times as great and that the nationality has a monopoly in the illicit business. Such a conclusion however is unjust to say the least. Despite the fact that no municipal license is required these women as a rule conduct themselves well, and while it is notorious that their earnings are large they are easily kept within bounds. There is hardly the record of a police case against them within a year. The great shame of it all is that many of the public persist in designating all these women as "Americans" regardless of nationality.

Recognizing the necessity of correcting this I will obtain the names of all American prostitutes now in Shanghai, and will require each keeper of a house of ill fame to report arrivals and departures. By giving publicity to such statistics and asking for a discontinuance of the practice of calling all the class Americans some good will be done. However in the Orient the custom has become so confirmed that it will take years to eradicate it.

In

In this connection I beg to call the attention of the Department to the traffic in these women which is being carried on in the United States. An American woman but recently arrived from Colorado showed to me recently a letter she had received from a Mrs. L. Hayward, 493 North Clark St., Chicago, apparently a professional procuress for China treaty port houses. By reason of the glowing promises made as to such a life in Shanghai, the woman Louise Mathews by name was induced to go to this city. One statement in the letter was to the effect that "She would make the forty ninth girl I have sent to Shanghai". Disgusted with the life or the place this woman applied to the Consulate for assistance to return home, and upon learning that the keeper of the house was in communication with the Hayward woman, I required her to pay the steamship passage and the railroad fare required. In addition I sent full particulars of the case to the Superintendent of Police in Chicago.

If the Department has any instructions to give in this matter I will be glad to carry them out to the best of my ability. Shanghai as a rule has an American population which will compare favorably with that of any other city in the Orient, and in common with these good people I bitterly resent such an imputation on the character of American womanhood as is brought about by the practice here mentioned.

I have the honor to be,

Sir,

Your obedient servant,

Jay L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

CONSULAR BUREAU
OCT 20 1905
DEPARTMENT OF STATE

No. 49

AMERICAN CONSULATE-GENERAL,

Secretary of State.
OCT 19 1905

SHANGHAI, September 22nd, 1905.

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

ASSISTANT SECRETARY,
OCT 19 1905

COPIES MADE.

SUBJECT: Oct 13 1905

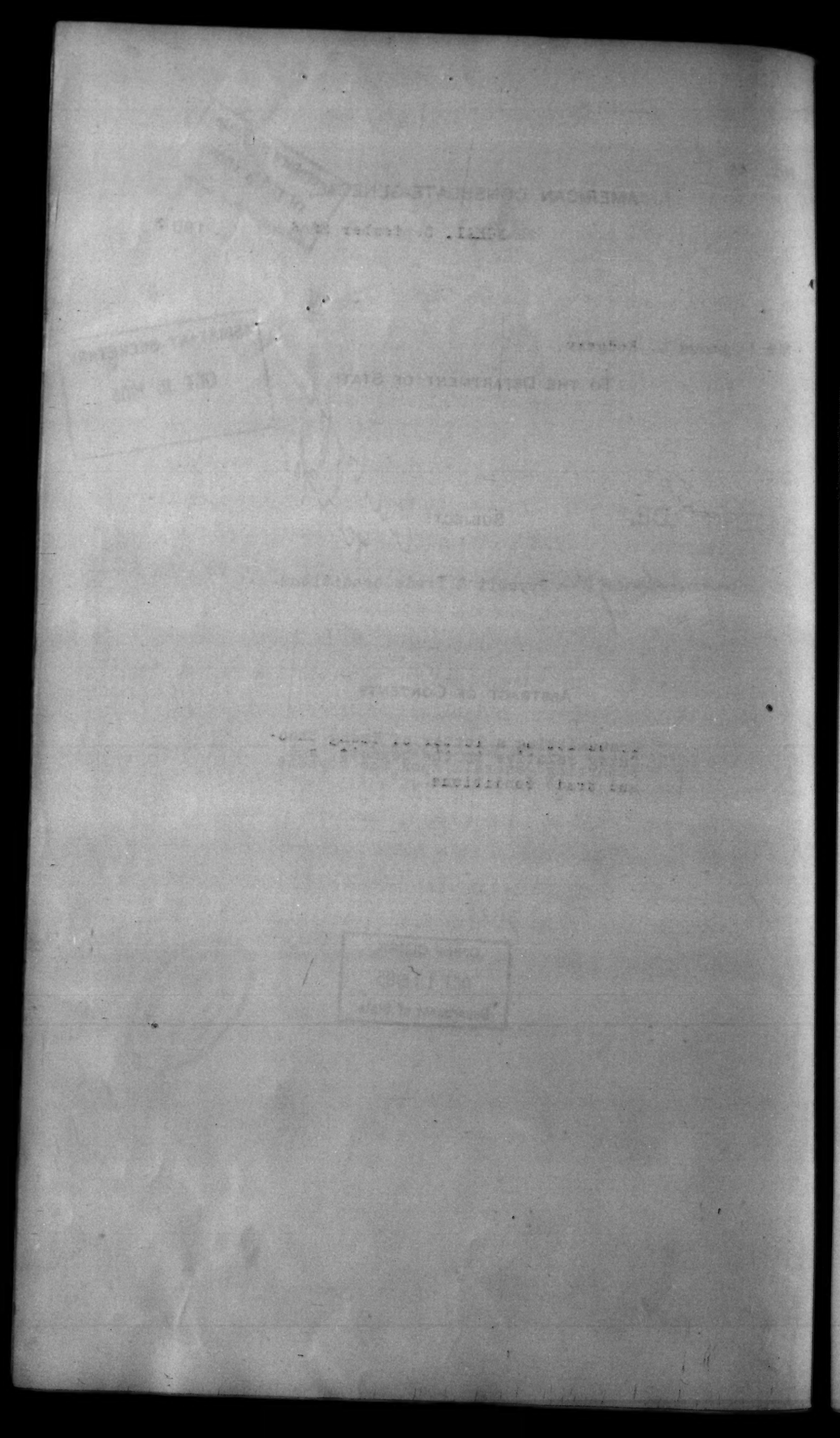
regarding the Boycott & Trade conditions in Shanghai

ABSTRACT OF CONTENTS:

Transmitting a letter of Tseng Shao-Ching relative to the boycott, and reporting generall upon the boycott and trade conditions.

CHIEF CLERK,
OCT 13 1905
Department of State.

INDEX BUREAU
OCT 24 1905
FILED



No. 49.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, September 22nd , 1905.

THE HONORABLE Francis B. Loomis,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

omit [I have the honor to transmit herewith a translation of a letter of Taot'ai Tseng Shao Ching relative to the boycott agitation. This letter was published in the hope of being able to revive the cause, but in that respect it seems to have met with utter failure.] For the present at least there is almost an entire suspension of boycott talk in Shanghai. In the outports very little is heard of it, and were it not for the active campaign that is being carried on against the product of the British-American Tobacco Company under Japanese influences there would be scant attention given it there. As this attack on the Company named, which is an English corporation although using American tobacco for their cigarettes, is the outcome of trade rivalry and antagonism from causes remote from the boycott it need not be considered. At Soochow and Hangchow where I went for the purpose of investigating the boycott conditions, I could only find small evidences of its existence and those were among a class which cannot create much trouble unless the movement resumes in great proportions.

Shanghai is an exceedingly busy place at present in the shipment of American cargo. All available ships are under charter and into them are going the piece goods, flour, oil, provisions and general merchandise, which has been awaiting

awaiting the opening of the Manchurian market. Such firms as Wisner & Co., China & Japan Trading Co., American Trading Co., Frazar & Co., Zimmerman & Co., Connell & Co., and Standard Oil Co., all report open buying of American goods and acceptance of delivery on contracts. The worst feature of the present situation is that the market is greatly overstocked with provisions, which, while destined for Manchurian consumption, will have to compete there with a similar flood from Tientsin, Nagasaki, Kobe and Yokohama. The result will be that money will be lost on much of this cargo and that combined with the long suspension of business here through the boycott, will make a bad year for several American firms.

When the way is open the rush of ships for Vladivostock and other Russian ports, to say nothing of Port Arthur, Dalny and Antung, will be remarkable. Ten large cargoes are now waiting in Shanghai; it is stated that eleven are already in the harbor of Nagasaki; Kobe has her complement and so has Yokohama if reports received here are to be believed. Already vessels are on the way to Hakodate, Japan, expecting to lie there until the barrier is removed, and it is stated that at all ports northward there are similar conditions.

Under these circumstances it is to be expected that the Chinese have little time for the boycott. The merchants have enough of it on general principles, the coolies have no liesure in which to gossip about it, and the students are perfecting their reform societies which will certainly be heard from later. The officials in the meanwhile are being held up to the mark and every case of boycott unfriendliness is being reported to them.

The one disturbing feature at present aside from the student groups which was reported upon in a previous despatch, is the current impression that the new treaty will in some measure provide for the admission of the laborer into

America

America and its islands. Apparently the minds of the Chinese cannot be cured of this false idea. The fact that in Canton at present the boycott agitation seems to be on behalf of the coolie class may have its effect here.

The losses suffered by American business in Shanghai from July 20th to this date have been large but at present there is absolutely no way of estimating their amount. The direct losses however have been small, while the indirect will represent the total of the business which might or should have been done. Even approximating such damages involves the acceptance of somewhat absurd estimates and in some instances of absolutely false statements. A simple truth about one phase of the matter is that the boycott found Shanghai overstocked as the market never was before, this being the result of the war. Even without the boycott there would have been a lull in sales which would have been severe.

I have the honor to be,

Sir,

Your obedient servant,

Jas. L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

Enclosure: Translation of Tseng Shao Ching's letter to American Merchants.

I have the honor to be,

Your obedient servant,

TSENG SHAO CHING ADVISES THE AMERICAN MERCHANTS.

In the present movement of restraining the use of American goods, the two months limit has already expired, and you the American merchants, have now seen some of the effects. Upon seeing such effects, you have planned to administer medicine in accordance with the nature of the disease. But although you know the disease to be feverish, you yet give heating medicines. Ordinarily you are reasonable, and we have already met on a certain occasion. Therefore I cannot but direct you rightly, lest you lose your way, and proceeding onward, become farther from the right road.

Now your Minister, (Mr. Rockhill), has been moving our Government to suppress us. But none of us are the same as we were three years ago. For example (let us) ask what nation under the sun would force its people to buy the goods of some other nation. Now although China is the most despotic of all the nations, even she does not now dare to issue such a ferocious order. Therefore although your Minister has used the strength of nine oxen and two deer, all the result was the prohibition of the "forbidding" of the use of American goods. But do we not know that the clause "forbidding the use of American goods" was on the seventh of the fourth moon suspicioned to have some fault, and was therefore changed to "restraining the use etc." The Government says it is not permitted to forbid the use of American goods; the people reply we would not dare so to do; we are merely restraining the use of American goods.

Your Minister is now at the end of his resources; since he has exhausted his resources (in this method of Treatment) it becomes necessary to use cooling medicine. The cooling medicine is treaty revision; but not only must the treaty be recised; the Hawaiian and Philippine Islands must be thrown open to Chinese immigration before our desire is fulfilled. If you do not act as indicated above, you can revise your treaty as you will, but we will continue our boycott.

If

If hereafter you again wish to revise your treaty it will work harm to our international interests; if hereafter you do not revise the treaty your trade will still suffer. Therefore since in the future there are these two difficulties, it would seem best to devise some plan at present. Although you merchants in Shanghai have not suffered much, your capitalists at home may hereafter suffer heavily. In favoring the labor party you are injuring the whole country. I do not understand how your President can have such a love for the laborer and such a hatred for the merchant. If there is any injustice under heaven it will make itself heard; your capitalists have suffered such injustice; you merchants have not explained the conditions to them, so that they might calculate (losses) and plan (remedies); this was unwise; but it is not the capitalists only who will have to calculate and plan. (i.e. The merchants will also be put in this predicement.)

Having been indisposed these few days, prespiring and unable to eat, I have looked into the treaty, and now advise you accordingly. Whether you take notice of this or not I will not enquire.

Extract from the Shih Pao (Eastern Times) of 13/9/05.

The Assistant Secretary

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Consular Bureau

Take original —

to attention of

Secretary

APPOINTMENTS
25 1905
Department of State.

CONSULAR BUREAU
SEP
1905
DEPARTMENT OF STATE

CHIEF CLERK,
SEP 25 1905
Department of State.

TELEGRAM RECEIVED IN CIPHER.

SEP 25 1905
DEPARTMENT OF STATE

From

Shanghai

September 25, 1905.

9.12 A.M.

ASSISTANT SECRETARY,
SEP 25 1905

ASSISTANT SECRETARY,
SEP 27 1905

SecState,
Washington.

Gray, formerly Manager Canton Hankow Railway, suing American-China Development Company for alleged back salary. My opinion is that scandal greatly prejudicial our interests will be created by trial case here. Am trying to secure arbitration or a compromise with reference to New York. Respectfully earnestly urge assistance this endeavor.

RODGERS

INDEX BUREAU
SEP 29 1905
FILED

Deciphered by C. R. D.

Bureau of Appointments.

APPOINTMENTS
25 1905
Department of State.

TELEGRAM RECEIVED IN CIPHER.

CHIEF CLERK,
SEP 25 1905
Department of State.

BUREAU
SEP
27
1905
DEPARTMENT OF STATE

From Shanghai

September 25, 1905.

Received 9.18 A.M.

ASSISTANT SECRETARY,
SEP 27 1905

Copy'd Sept 27/05

SecState,
Washington.

No evidence boycott. American trade active and especially north. No stamping goods as was reported. Condition of affairs is very satisfactory.

RODGERS

INDEX BUREAU
SEP 29 1905
FILED

Deciphered by C.R.D.

Bureau of Appointments.

CONSULAR BUREAU OCT 28 1905 DEPARTMENT OF STATE

SHANGHAI OCT 25 1905 DEPT OF STATE

ASSISTANT SECRETARY, OCT 27 1905

No. 50

AMERICAN CONSULATE-GENERAL,

SHANGHAI, September 25th , 1905.

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

Acknowledged Oct 31 05

SUBJECT:

re the case of Gray vs American China Development Co.

INDEX BUREAU NOV 1 1905 FILED

ABSTRACT OF CONTENTS:

Confirming telegram relative to case of Gray vs The American China Development Co., explaining nature of case and necessity for its suppression in the interest of American reputation in the Orient.

893.52/75

CHIEF CLERK, OCT 27 1905 Department of State

No. 50.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, September 25th , 1905.

THE HONORABLE Francis B. Loomis,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to confirm my telegram of this date reading:

"Secretary of State,
"Washington.
"Gray formerly Manager Canton "Hankow Railway suing American China Development Company for "alleged back salary. My opinion is that scandal greatly "prejudicial our interests will be created by trial case "here. Am trying to secure arbitration or a compromise with "reference to New York. Respectfully earnestly urge assis- "tance this endeavor.
"Rodgers."

In explanation of this I beg to say that the suit which is for $43,750.00 with interest was entered in this Consular Court a few days ago after I had vainly tried to have the question settled by arbitration or otherwise. Inasmuch as the public recognizes this case as one promising great scandal on both sides, or at least allegations which can be accepted as such, there is an immense amount of interest in it and several attorneys have been retained by both sides, the newspapers both English and Chinese, in the meanwhile, being ready to print the full proceedings. I have heard as public rumor of the nature of the evidence to be given, and realize only too well what a damaging effect it will have on our national interests to say nothing whatever about the personal reputations which will be assailed.

There does not seem to be much question about the jurisdiction of this Court but any attempt to remove the case will be bitterly contested. I have urged and am still urging

consent

consent to have the case arbitrated in New York or to have a compromise effected, and in the interest of that endeavor the telegram of today was sent, it being my hope that something might be done at home to avert that which will certainly be a public shame.

I have the honor to state further that I know nothing about the merits of the case, that I have absolutely no interest, direct or indirect, in the matter and that my action has been dictated solely by a desire to keep the American name out of an affair which has already been to our decided detriment and disadvantage, and which in this instance would mean a scandal which would spread over all China. No concealment is made of the intention of the respective sides in that respect; in fact it was announced publicly that everything in connection with the American China Development Co. would be dragged out in one way or another. The defense is just as bitter apparently and the statement is made that exposures relating to the management, to its connection with the Chinese and to all others will be made.

In view of these probabilities I believe the Department will think I am justified in asking for assistance in suppressing the whole matter.

I have the honor to be,

Sir,

Your obedient servant,

Jas. L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

[illegible] to have the same exploited in Peru favor or to have
a compromise effected, and in the interest of that company
the telegram of today was sent, it being my hope that some-
thing might be done at home to avert that entanglement
or a public clause.

I have the honor to state further that I [illegible]
regarding about the merits of the case, that I have absolutely
no interest, direct or indirect, in the matter and that my
action has been dictated solely by a desire to keep the
[illegible] clear and of an affair which has already been a cause
of needless detriment and disadvantage, and which in this instance
would mean a scandal which would spread over all China. My
connection is made at the invitation of the respective minis-
ter in that respect; in fact it was announced publicly that
[illegible] in connection with the American China Development Co.
would be dropped out in one way or another. The matter is
[illegible] by either myself, and the statement is made that con-
cessions relating to the management, to its connection with
the Chinese and to all others will be made.

In view of these probabilities I believe the
Department will think I am justified in asking for assistance
in suppressing the whole matter.

I have the honor to be,

Sir,

Your obedient servant,

[illegible]

[illegible]

CONSULAR BUREAU
OCT
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1905
DEPARTMENT OF STATE

ASSISTANT SECRETARY,
OCT 27 1905

File.

No. 51.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, September 26th , 1905.

MR. James L. Rodgers

TO THE DEPARTMENT OF STATE.

Hold until question of transferring Hangchow is settled

Closed June 30'08

SUBJECT:

CHIEF CLERK,
OCT 27 1905
Department of State

Consulate at Hangchow.

ABSTRACT OF CONTENTS:

Concerning Hangchow Consulate and recommending that Shanghai Consulate supervision and work be extended to Hangchow, Soochow and Ningpo; also reporting necessity for steam launch.

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Consulate at Rangoon.

No. 51.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, September 26th , 1905.

THE HONORABLE Francis B. Loomis,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to state that as a result of a visit to Hangchow and an investigation of the American Consulate affairs there I am firmly of the opinion that there is no necessity for the maintenance of a Consulate in Hangchow. This is said with all due respect to the opinion of the Department and is in no sense to be accepted either as a reflection upon Mr. Dobson, the retiring Consul, or Mr. Cloud, the Vice Consul who will remain in charge. Both of these gentlemen are of most excellent character and to the best of my belief efficient.

It is my understanding that the Consulate at Hangchow was established upon the recommendation of Mr. Goodnow, formerly Consul General at Shanghai, and that his recommendation was based upon conditions which obtained during the Boxer troubles. If there ever existed any good reason for the Consulate, it certainly does not exist now. Hangchow is only one hundred and forty miles by river and canal from Shanghai; all its business is handled by native and foreign merchants here, and our Consulate has practically no official work. The missionary population, which numbers about forty, in event of any trouble would have to apply to Shanghai for aid, as was the case when the Rev. Edward Kennedy was assaulted by robbers last Spring.

The English have a handsome Consulate in Hangchow which is untenanted, it having been found sufficient to send

the Consul at Ningpo there about four times a year. No other nations maintain Consulates the American being now the sole foreign representation.

If the Department would allow to the Shanghai Consulate a steam launch of adequate size and speed, not only for Hangchow and Soochow service but for harbor work here as well, any possible necessity for maintaining a Consulate at Hangchow would be obviated, because the place could be visited as often as would be required and at small expense. There is constant use for such a steam launch in Shanghai and a portion of the charge could well be borne by the Marine Hospital Service of our Government which maintains a representative here. The cost of such a launch as would be required would be in Shanghai $6,000.00 or $7,000.00 gold. In a later despatch I will submit an estimate of cost and maintenance.

By abandoning the Hangchow Consulate and stationing its incumbent in Shanghai, from whence he could visit not only Hangchow, but occasionally Soochow, Huchow and Ningpo, eighty, one hundred and one hundred and twenty five miles respectively from Shanghai, there would be but little if any extra expense incurred. In addition it would give to this office a service in the outports of this populous and rich section which would be of great value. The traffic on the Grand Canal, the Whangpoo River, Soochow Creek, and the lake system is immense, and the presence there of an American vessel devoted to the work of this Consulate would be of benefit in every way. At present the Chinese, Japanese and English flags are only seen in these outports.

I earnestly recommend some such plan being certain that it will be for our interest and in no way a backward step.

I have the honor to be,

Sir,

Your obedient servant,

Y.W.

AMERICAN CONSUL GENERAL.

RECEIVED
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1905
BUR ACCOUNTS DEP OF STATE.

No. 52

AMERICAN CONSULATE-GENERAL,

SHANGHAI, September 27th , 1905 .

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

SUBJECT:

Accounts for transit expense of prisoners.

ABSTRACT OF CONTENTS:

Concerning certain accounts of Mr. Goodnow and Marshal Derby for transit expense of two prisoners to San Quentin.

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No. 52.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, September 27th , 1905.

THE HONORABLE Francis B. Loomis,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to state in relation to the Department's unnumbered dated June 22nd, concerning certain accounts of Mr. John Goodnow, and Marshal Derby for transit expense of prisoners, that I have had Mr. Derby at work trying to straighten out the matter but he seems to be unable to do it without the assistance of Mr. Goodnow who is now in Japan and who will not return until next month. The accounts seem to be in a rather bad tangle and I am not able to indicate at present whether a statement satisfactory to the Department can be made. A determination will be reached as soon as possible.

I have the honor to be,

Sir,

Your obedient servant,

John L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

RECD AT BUREAU OF STATE OCT 28 '05
CONSULAR BUREAU OCT 31 1905 DEPARTMENT OF STATE
3rd ASST. SECRETARY. OCT 31 1905

No. 53

AMERICAN CONSULATE-GENERAL,

SHANGHAI, September 27th , 1905.

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

Ack Nov 1 '05

SUBJECT:

Mexican Consulate

ABSTRACT OF CONTENTS:

Reporting taking charge of Consulate for Mexico.

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CHIEF CLERK, OCT 31 1905 Department of State.

AMERICAN CONSULATE GENERAL

No. 53.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, September 27th 1905., 190 .

THE HONORABLE Francis B. Loomis,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to inform you that since taking charge of this Consulate General on May 29th 1905, I have been acting as the Consular representative of the Republic of Mexico, this duty having been transferred to me by Mr. James W. Davidson, Vice Consul in Charge. My incumbency has not been reported heretofore, this omission being the result of an oversight. I assume that the Department will have no objection to my continuation as such representative of Mexico.

I have the honor to be,

Sir,

Your obedient servant,

Jno. L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

No. 54

AMERICAN CONSULATE-GENERAL,

SHANGHAI, October 4th , 1905 .

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

SUBJECT:

Gray vs The American China Development CO.

ABSTRACT OF CONTENTS:

Reporting upon the transfering of the case to New York and transmitting Court proceddings in the case.

No. 54.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, October 4th , 1905.

THE HONORABLE Francis B. Loomis,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to inform you that on October 3rd, 1905, I secured consent of all parties, and in accordance with Section 4098 of the Revised Statutes of the United States, submitted the case of Willis E. Gray vs The American China Development Co., to referees, to be selected hereafter, who will conduct the hearing in the City of New York. Inasmuch as a public hearing here would have been greatly to be deplored and as the case can certainly be heard more conveniently in New York and with less expense, the conclusion it seems to me is a happy one for all concerned.

The Court proceedings in the said case are enclosed herewith.

I have the honor to be,

Sir,

Your obedient servant,

John L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

Enclosure: as indicated.

IN THE COURT OF THE CONSULATE GENERAL OF
THE UNITED STATES.

SHANGHAI, China, September 25, 1905.

Between Willis E. Gray, Plaintiff,

and

The American China Development Company, Defendants.

Before the Honorable James L. Rodgers, Consul General of the United States, Acting Judicially.

The petition of the above named Plaintiff against the above named defendants shows:

1. That the Plaintiff is a citizen of the United States and at present resides at Shanghai, China, within the jurisdiction of this Court.

2. That the Defendants are a corporation duly organized under the laws of the State of New Jersey, and engaged in business in Shanghai, China, within the jurisdiction of this Court.

3. That on January 14, 1902, the defendants employed the Plaintiff as engineer-in-chief and general manager for the construction of a railway in China known as the Hankow and Canton line and agreed to pay him the sum of Twenty-five Thousand Dollars, in United States currency, per annum, which payment was to begin from February the first 1902, and to be paid monthly thereafter, together with legitimate travelling expenses incurred on behalf of the defendants.

4. That at a meeting of the Board of Directors of the defendants in the City of New York, on January 14, 1902, a resolution was passed by the said board appointing the Plaintiff engineer-in-chief and general manager, and fixing his compensation as aforesaid, and by direction of the said board the Plaintiff was furnished with a duly authenticated copy of such resolution. Said direction and resolution are as follows: New York, January 14, 1902.

"Know all men by these presents, that at a meeting of the Board of Directors of the American China Development Company, held on Tuesday, January 14, 1902, at the office of August Belmont, banker, at No. 23, Nassau Street, in the City of New York, United States of America a resolution was passed by the Said

Board

Board of Directors appointing Willis E. Gray engineer-in-chief and general manager of the American China Development Company, and the officers of the company were directed to cause to be prepared and issued to Mr. Gray a certificate of the fact of the passage of such resolution and of his appointment as such engineer-in-chief and general manager.

Wm. Barclay Parsons, President.

W. Kirkpatrick Brice, Secretary.

Seal.

Resolved that Mr. Willis E. Gray be, and he is hereby appointed engineer-in-chief and general manager of the American China Development Company, at a compensation at the rate of Twenty-five Thousand Dollars per annum, payable monthly, beginning February 1st 1902, together with his legitimate travelling expenses when travelling on business of the company away from his headquarters: with understamding that his arrangement may be terminated at any time should Mr. Gray's services, from physical disability or otherwise, be unsatisfactory. But in the event of the control of the property passing into other hands within five years from the commencement of this arrangement, such transfer involving the termination of this agreement, Mr. Gray is to receive as additional compensation the difference between the aggregate amount of salary paid to him and One Hundred Thousand Dollars."

5. That the Plaintiff accepted the employment in accordance with the terms of the said resolution, left his home and business in the United States, came to China and promptly entered upon his duties as engineer-in-chief and general manager of the Hankow and Canton railway line as prescribed by said resolution.

6. The defendants, without cause, have wrongfully discharged the Plaintiff from their employment as engineer-in-chief and general manager as aforesaid and refused and still refuse to employ him, or to compensate him, in violation of the terms of the said resolution. The said discharge was by resolution of the Board of Directors of defendants

of

of which the following is a copy:

"Resolved that the action of the president in respect of terminating the arrangment with Mr. Gray by requesting his resignation, and thereafter discharging him from the company's service, be and the same is hereby ratified and approved, as the act of the Board, such discharge to take effect from the date thereof, viz., June 13, 1904."

The Plaintiff claims the sum of U. S. $68,750, being the balance of salary due to him to February 1, 1907.

Salary due to February 1, 1907	U. S. $	125,000.00
Salary received to May 1, 1904		56,250.00
Balance due		68,750.00

In the alternative the Plaintiff says that in consequence of the said wrongful discharge the Plaintiff has been damaged in the sum of Forty-three Thousand Seven Hundred and Fifty Dollars, with interest from May, 1, 1904, as follows:

Total compensation guaranteed to Plaintiff by resolution set forth in Paragraph 4.	U.S. $	100,000.00
Total compensation received from defendants February 1,1902 to May 1, 1904, 27 months at U. S. $2083.33 per month		56,250.00
Balance due	U. S. $	43,750.00

The said sum of U. S. $43,750.00 is due by virtue of the provisions of the resolution set forth in paragraph 4. The Plaintiff says as aforesaid that he has been wrongfully discharged, and further, that the control of the property passed into other hands within the time mentioned in the resolution aforesaid under which condition the Plaintiff claims the said sum of U. S. $43,750.00

The Plaintiff claims interest, the costs of the suit, and for such further and other relief as the court may deem fit to decree.

(Sgd) WIllis E. Gray.

American Consulate General,
Shanghai, China.
Subscribed and sworn to before me
this 25th day of Sept. 1905.
(Sgd) W. P. Boyd.
Deputy Consul General,U.S.A.

AMERICAN CONSULAR COURT.

Shanghai, 20th September.

Before the Hon. James L. Rodgers, Consul-General.

WILLIS R. GRAY V. AMERICAN CHINA DEVELOPMENT CO.

Mr. T. Morgan Phillips and Mr. T. R. Jernigan appeared for the plaintiffs and Mr. F. M. Brooks for the defendant company.

This is an action for wrongful dismissal as engineer-in-chief and general manager of the defendant company, damages being assessed at $43,750 U. S. currency.

Mr. Brooks, on behalf of the defendant company, filed the following.

DEMURRER.

Now comes the defendant in the above entitled action and demurs to the petition of plaintiff on file herein and for cause of demurrer alleges:—

1.—That said petition does not state facts sufficient to constitute a cause of action.

2.—That said petition is ambiguous and unintelligible in that it cannot be ascertained therefrom when or where said plaintiff was discharged or in violation of what terms of any resolution plaintiff was discharged or how said amount of dollars 43,750 damages is arrived at.

Wherefore defendant prays that said action be dismissed hence with costs.

Mr. Brooks, in support of his demurrer, said that the petition set forth that the plaintiff was an American citizen and the defendants an American Corporation organised in New Jersey; it also set forth that defendants had employed plaintiff and agreed to pay him the sum of $25,000 per annum beginning February 1st 1903 but it did not state when the employment was to end. The petition went on to state that at a meeting of the directors of the company held at New York a resolution was passed appointing the plaintiff engineer-in-chief and general manager of the company. Counsel did not know whether a really authenticated copy of the said resolution had been filed but it seemed that a copy of it had been filed several days after the filing of the petition. One of the rules of the Court was that the petition must be sworn to, but in this case it seemed that part of it had been sworn to and part not. Counsel was not raising any technical objection at all and if the plaintiff intended to have the resolution referred to as part of the petition Counsel had no objection if it was sworn to. He assumed that if plaintiff had any cause of action at all, he would have to rely on that resolution.

His Honour said that according to the rules of the Court he would have to sit in a case like that with Assessors. But he took the present proceedings as only a preliminary matter and would therefore waive that requirement this time. He wanted this to be understood by the parties at this stage in case they had any objection.

Mr. Phillips said that he had no objection to his Honour sitting alone.

Mr. Brooks, continuing, said that the first ground of the demurrer was that the petition did not state facts sufficient to constitute a cause of action. Now if the Court would read for a moment the resolution, a copy of which had been served on him, it would observe that the resolution—he presumed Mr. Gray had eventually sent a letter of acceptance to it—was pregnant with conditions. The first was that he had been appointed engineer-in-chief and general manager and then it went on to say that the arrangement might be terminated at any time should Mr. Gray's services from physical disability or otherwise be unsatisfactory. From the petition Counsel was unable to come to any conclusion whether Mr. Gray relied on that condition. The next condition was that in the event of the control of the property passing into other hands within five years from the coming of this agreement Mr Gray was to receive as additional compensation the difference between the aggregate amount of salary paid to him and $100,000. Counsel was unaware whether Mr. Gray relied on this condition. It was a well-known rule of pleading that the issues must be clearly defined. This Court did not require to be technical and would pay no attention to technical issues but in going to the vital issues of the case the Court would compel the parties to file such a petition as it would clearly define such vital issues. It

seemed to Counsel that the only issue in this case was whether Mr. Gray had a valid claim against the defendant company and if so by virtue of what terms or by the violation of what terms of this resolution. Counsel submitted that the petition was ambiguous and unintelligible and he was unable to deny such a petition. He could not gather from it what was relied upon by the plaintiff. The petition as it now stood was simply filed as a sort of fishing expedition under which they could introduce any matters down to the organisation of the company. Counsel did not think that Mr. Gray could swear to a petition claiming damages for the violation of any of the terms of his engagement. He did not think that Mr. Gray could say that his services had been satisfactory to the company and if he could not say that the then was no cause of action. He did not think if Mr. Gray had any consideration for his oath that he could say that the property of the defendant company had not passed into other hands. The petition said that plaintiff was dismissed from service in violation of the terms of his engagement. But how was Counsel to know what terms. Plaintiff said that he had performed his duty to the company. Counsel assumed he had. He might be a very good railway engineer but still his services might be unsatisfactory to the company. The resolution distinctly stated that if his services were unsatisfactory he might be discharged. Counsel wished to know under what condition of the resolution plaintiff contended that he was wrongfully discharged. If the case was heard in China it would be necessary to take the depositions of certain witnesses who were in New York. The pleadings should be drawn in such a way as to set forth clearly the contract the plaintiff relied upon, and if there was a breach of contract, such a breach should be distinctly set forth. It was not even alleged when the plaintiff was discharged. He had claimed a large sum of money but it was not stated whether he was claiming the difference between the aggregate amount of salary paid him and $100,000 or other damages. The petition was so carelessly drawn that he was unable to answer it intelligently. There was not the slightest desire to delay these proceedings but they would have to go to the vital issues of this case. Counsel submitted that the demurrer be sustained.

Mr. Phillips said that he appeared with Mr. Jernigan on behalf of the plaintiff. He submitted that the demurrer could not be upheld for several reasons. It was stated in the demurrer that the petition disclosed no cause of action. In the petition it was stated that Mr. Gray was employed by the defendant company. They had that as the first allegation and secondly that he was dismissed without cause, that was to say that he was wrongfully dismissed; and thirdly, there was a claim for damages. Those constituted the only allegations necessary—that could be made in support of a claim for wrongful dismissal. When his learned friend said that there was no cause of action in the petition he could hardly be speaking seriously to the Court. Counsel maintained that the petition contained the only ingredients to substantiate the case which would come before the Court. Counsel then quoted a Law Dictionary which laid down that if the petition was only defective in part but the whole was good there was unquestionably a cause of action and the demurrer must be over-ruled. Counsel could not see in what part the petition was defective or in what part it was unintelligible. It was only necessary to state simply the grounds upon which the action was brought, namely wrongful dismissal and claim for damages. If his friend wanted further particulars he could do so by motion to this Court and such particulars if he required them would be supplied to him But his friend urged that the petition did not state when the plaintiff was discharged from service. Surely that was a frivolous objection. There was a resolution—which his friend had probably in his pocket—passed by the directors of the defendant company dismissing Mr. Gray and that resolution confirmed the request made by the President of the defendant company that Mr. Gray should resign from the service. How could it be said that the defendants were embarrassed because they did not know when the plaintiff was discharged. This resolution was passed by the defendants themselves. With regard to this point if further particulars were required by the defendants or their Counsel they could be had but that was not the issue before the Court and would never and could never be the issue. That was a common ground of dismissal, but the only ground that would be tried was whether Mr. Gray had been wrongfully dismissed. With regard to damages they claimed the sum of $43,750. That was a very simple sum and his friend was right in apprehending that it was the difference between the sum Mr. Gray had already received as salary and the amount stated in the resolution that he was entitled at the end of his service. If his friend required particulars of this simple sum he could have it at the proper time. His friend had discussed the question of this resolution and insisted that they should state what conditions of the resolution engaging Mr. Gray had been broken but that was not a matter to discuss that day. That was a matter which would be fought before his Honour and Assessors. That was the whole vital question and it was not to be discussed that day. His friend was trying to discuss the merits of the case before the Court when what he should do was only to raise a technical objection to the petition. It was now the rule that pleadings required only a very simple statement being made so that defendant might know the reason why he was brought to the Court. It there

was any vagueness or uncertainty, that was provided for by the law of America. It seemed by the demurrer that his friend was embarrassed because there were not sufficient particulars in this petition but he could have any vagueness, any uncertainty removed by motion in which he could ask for further outline or particulars. It seemed to him that the demurrer had had its day but his friend was still vigorously going at it That was not a case in which a demurrer could be successful. His friend had gone into the meritsof the case andasked at that stage for all the materials that were necessary for the case. Counsel submitted that the demurrer be over-ruled.

Mr. Brooks said with regard to his friend's remark that the demurrer had had its day he would say that it was just as good as ever and was the only proper pleading to be filed when the petition was unintelligible They must have the pleadings as plain and as specific as possible. With reference to his friend's statement that he must have in his pocket the resolution dismissing Mr. Gray, he would say that he had never heard of it and had never seen it. It might be Mr. Phillips's practice to pass evidence to other lawyers but it was not the practice of this Court. They must file the pleadings and the Court decided the evidence on the petition and answer. If they had some evidence they wanted to show him he would be charmed to look at it but that should come afterwards. The petition stated that Mr. Gray had been wrongfully discharged in violation of the terms of the resolution and Mr. Phillips now said in Court that the damages set forth had reference to the amount between the $100,000 and the sum already paid to Mr. Gray by way of salary. If his friend would embody that statement in the petition and if plaintiff relied on that, he (Mr. Brooks) would deny that and the case could be tried on this issue. He would ask that this be put into writing and sworn to, so that he could file the answer on the rules and facts. Counsel had no objection to the petition being amended if they relied on that clause as a breach of the contract. Counsel was entitled to have what the plaintiff might says on oath and then he would file his answer.

Mr. Phillips said that it seemed to him probable that Mr. Brooks had the resolution dismissing Mr. Gray but Mr. Brooks said no. There was a resolution and the knowledge of the defendant company was the knowledge of Mr. Brooks.

His Honour said that he was of opinion that the demurrer to the petition should be sustained on the ground that the resolution had not been sworn to. He would require an amended petition with the resolution incorporated in it.

Mr. Brooks said if the plaintiff in good faith relied on that as a breach of contract he would ask him to so state it.

His Honour thought that the pleadings should be as explicit as it could be. The resolution had not been attached to the petition and sworn to and it could not therefore be considered as part of the petition.

Mr. Phillips asked for a copy of the written decision of the Court and said that he would attend to his Honour's suggestion and have another petition drawn up.

Mr. Brooks then read a motion which it was his intention to file asking that the venue of the trial be transferred to New York, basing his request on a number of grounds. He had not yet given notice of this motion to the other side but he would file it to-day and he wished to know what time the plaintiff would require to reply to it so that the hearing might be set down. He would add that under this motion he might urge other reasons at the hearing. He might state as a fact that the Chinese Government had compelled the defendant company to cancel their contract and the railway had been practically turned over to China and the payment was to be made within a certain time, it might be within a few days. While there was nothing left here except to carry out the sale, the main office in New York would be carried on. As a matter of fact Mr. Gray had been in New York where he could have adjusted matters but he finally decided to come to China.

Mr Phillips objected to Mr. Brooks making such allegations now.

His Honour thought it was improper for Mr. Brooks to say such things in Court now.

Mr. Brooks said that he would withdraw what he had said.

His Honour said that as far as he was concerned he would hear the case at any time.

Mr. Phillips said that he would consult his friends in the matter.

The Court then rose.

Shanghai, 20th September.

Before the Hon. James L. Rosenbl, Consul-General.

WILLIS R. GRAY V. AMERICAN CHINA DEVELOPMENT CO.

Mr T. R. Jernigan and Mr. T. Morgan Phillips appeared for the plaintiff and Mr. F. M. Brooks for the defendants.

MOTION.

Now comes the above-named Defendant and appears specially and for the purpose of this Motion only and moves this Honourable Court that this action be transferred to the City of New York, State of America, for the following reasons, to wit:—

That the Contract relied upon by the Plaintiff in this action was made and executed in New York City; that the Defendants' main office is in New York City; that the Directors of the Defentant Company reside in New York City; that the Plaintiff while in the employ of the Defendant Company received his pay from New York City; that Plaintiff, if he was discharged, was discharged in New York City; that all of the Officials of the Company who are cognisant of the facts and circumstances of this case are in New York City; that the Agent of the Company is at the present time in New York City; that all the records and evidence necessary for the proper trial of this case are in New York City. The witnesses who are cognisant of the facts of this case reside in New York City, and there is no one here in China and no records or other documentary evidence which are necessary for the proper hearing of this case in China. That it would be more convenient on account of the number of witnesses, whose testimony is necessary for a proper trial of this case, that the same should be heard and determined in New York City.

While not disputing this Honourable Court's right to take jurisdiction in this case, Defendant claims that it is entirely discretionary on the part of this Court, and that it has the power to order the venue in the case changed. Defendant reserves the right upon the hearing of this motion to urge other reasons not specifically mentioned herein in support of this motion.

F. M. Brooks,
Acting Agent for the American China Development Co.

Shanghai, September 20th, 1905.

His Honour again intimated to Counsel that this being a preliminary matter, it was not necessary to have assessors. His attention had been called to the fact that Mr. Brooks had not yet filed his answer. He thought Mr. Brooks had better take a waiver.

Mr. Brooks said whether they entered an appearance or not they would not appear by answer. He would ask the Court to make an order granting him time to appear on the merits of the case.

Mr. Jernigan suggested that the decision of the Court on this motion be reserved until Mr. Brooks had filed his answer.

Mr. Brooks said that there was nothing to compel him to file an answer in this case. However, he was willing to file proper pleas on this motion at a moment's notice. He did not want to have any default if this case was transferred to New York whether on these pleadings or on new pleadings or whether the Court referred the matter to a referee. If the case was transferred to the United States District Court they would be sure of an impartial hearing, but if his Honour was inclined to appoint a referee, Counsel was now prepared to accept anyone who was not interested in anyway in the defendant company. If the Court ruled that the case be tried here in Shanghai they would wish it to be heard by his Honour with assessors. Counsel would now state his reasons why the case should be transferred to New York. At the last hearing when Counsel made some suggestions as to Mr. Gray's action in returning to China, his Honour ruled that such remarks were improper at this stage of the case, Counsel would not therefore refer again to this point in dealing with this motion. It seemed to him that his Honour sat there in a dual capacity—that of Consul General and that of Judge—, and it would be very difficult for his Honour to separate his judicial mind from his Consul's mind. As Consul General his Honour had to look after the welfare of American citizens here and at certain times his Honour was called upon to act judicially on matters in connection therewith, and naturally his Honour could not help listening to a certain extent to cases prior to their coming before the Court, as the law required his Honour first to bring the parties together and attempt to settle the matter amicably. Counsel did not say for a moment that as Consul General his Honour would be biassed, but his Honour might unintentionally in that capacity have formed an opinion on this case. He would show the advantages of the case being referred to a referee appointed to sit in New York. The real question was to whom it would be more convenient to have the case tried in New York. In the first place the contract between Mr. Gray and the directors of the company was made in New York; all the divectors resided there; the original resolution appointing Mr. Gray was there. Mr. Gray could not prove his case by secondary evidence, until he had exhausted all means of obtaining primary evidence. If the case was tried here Mr. Gray would have to make a demand on the defendants to produce all the documents in the case and it would take Mr. Gray three months to bring out all the papers here to prove his case. The directors were in New York, the papers were there and the company was there. The office of the American China Development Co. was in New York and the office here was simply the Construction department of the Canton-Hankow Railway. The very life or soul of the Company was in New York. Mr. Gray was engaged in New York; his salary was paid there from time to time; the president with whom he had his conversation was there; the resolution of appointment was made there. Mr. Gray was recalled to New York and if he had been discharged at all he was discharged in New York. After he was out of the defendant company's employment Mr. Gray took legal advise there just as he did here and finally he decided not to take proceedings in New York. If there was any inconvenience in changing the venue of the trial Mr. Gray had brought it upon himself; after waiting a year and a half he brought the suit

in China. Mr. Gray knew very well that there was only a construction office here. There was at present no one here except the Engineer-in-Chief, an official without any authority and yet Mr. Gray sought to bring the suit here and at this time. Now let them see what was the case. He would first refer to the resolution which by some ingenuity or by some stretch of imagination was termed a contract, but assuming that there had been a contract and that Mr. Gray had been engaged for five years—

Mr. Jernigan did not think the question was before the Court—as to the merits of the case.

His Honour said that he would like Mr. Brooks to confine himself to the motion—that was the material issue before the Court.

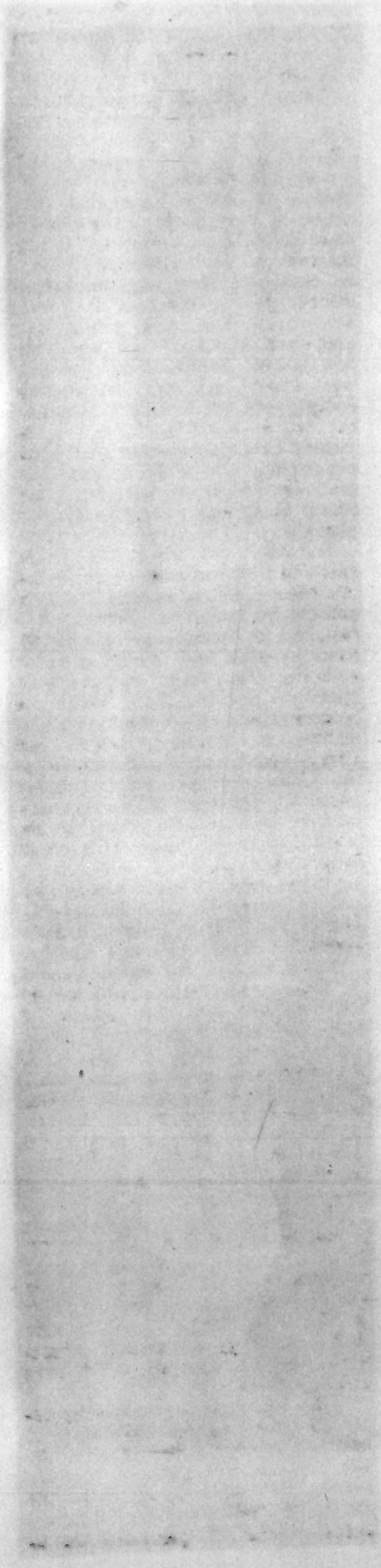
Mr. Brooks said that he could not do that without referring to what they would have to prove.

His Honour said that Mr. Brooks could make abroad statement as to his evidence. The Court would take everything into consideration at the termination of the case.

Mr. Brooks said that Mr. Gray would not be able to prove all the allegations contained in the petition until they had obtained from New York all the papers and the deposition of witnesses. If Mr. Gray was bringing the case in good faith he could get justice in New York just as well as here. He could obtain eminent Counsel there in conjunction with his Counsel here and he could summons all witnesses he wanted and ask for the production of books and papers. Mr. Gray would certainly require the production of the stock book so as to show that the railway had passed out of the control of the company. He could have access to all the papers in New York but if the case was tried here how was he to get the documents and the depositions unless the Court ordered the defendants to bring them here. Defendants would not be obliged to bring them here actually to prove Mr. Gray's case. The necessary evidence was to be got in New York and that was a good reason why the case should be tried there. There would be some time now he anticipated before they could come to the Court again under the petition. Counsel was called to file a proper answer, but he understood that the Court was going into vacation for a month, and before Counsel could file the answer there would doubtless be another month gone. Counsel had received letters though not official with regard to the sale of the railway. The railway was sold conditionally upon payment of a certain amount and the money had already been partly paid and all the money might be paid by the 7th October. The defendants had absolutely no one here to represent them in this case. There was another point, if this case should happen to be tried before his Honour and Assessors, he ventured to say that the limited number of Assessors his Honour might have to call to assist the Court, might have formed their own opinion and might be prejudiced against Mr. Gray in some cases and against the defendants in other cases. Any American citizen here the Court might call might have formed an opinion in one way or another. If they had a referee the inconvenience with regard to Assessors would be eliminated. According to the petition Mr. Gray would certainly not be inconvenienced. He claimed for the full amount and if he was confident of getting $1,000 a month a trip to New York would not inconvenience him. If he was entitled to this amount monthly he must be still in the company's service.

Mr. Jennigan—You say that he is not entitled.

Mr. Brooks said that he made that statement in good faith; Mr. Gray was practically loafing here. He would have to show to the Court that he had not been able to obtain any other employment here during the whole of this time in order that he might claim the whole amount. It was not absolutely impossible for Mr. Gray to go to New York; he had been there once already, while it would be very inconvenient for the defendants to bring all account books, vouchers, and endless other things from the main office to the construction office for Mr. Gray's convenience when he could simply go there and have everything at his command, as the defendants had at their command in New York. Of course his Honour had the jurisdiction and could decide to try the case here, but with all respect to the Court, if his Honour's decision went against the company they would probably instruct Counsel to appeal to the United States, Mr. Gray would not therefore be ahead in anything. Taking all the circumstances into consideration Counsel submitted that his Honour, as Consul and as Judge, should transfer the case to New York. Anticipating this Counsel had wired to New York and they had replied that if the case was transferred to that place they would take it up immediately whether it came before a referee or the District Court.



Mr. Jernigan, in opposing the motion, said:—In defining the meaning of Venue, Bouvier, in his law dictionary, divides the subject into a local and a transitory action, and, supported by this high American authority, the issue before your Honor would seem to justify that, in the very outset, a distinction be made between these two actions.

In a local action the true venue must always be laid, and, as an illustration, this means that when the action affects real estate it must be brought where the realty is located.

But in a transitory action, the plaintiff may bring it wherever he may find the defendant or his representative, and lay his cause of action to have arisen there, even though it arose in a foreign jurisdiction; and this doctrine is maintained by Stephen on Pleading page 306, and decided to be the law of the United States in 1 Howard page 241.

It is evident that the right, thus given a plaintiff, in a transitory action, was demanded by the convenience of business, and to secure promptness in the performance of business obligations. The denial of such a right would tend to encourage endless delay, for, in this case, the defendants could, with as much show of consistency, plead that the venue be changed to Brussels as well as to New York.

The distinction between local and transitory actions is clear, and the law authorities have based the distinction upon such a reasonable foundation that it has long been unassailable.

We shall hope to satisfy your Honor that, whether the action pending before you is local or transitory, there is no other country, except China, where it could be laid, and that this is the proper Court in which to bring it and to try it.

It will not do to come into this Court and file a motion alleging that the directors of the defendant Company are in New York City, and that everything else pertaining to the Company is in that city, when the very paper-writing which gave life to the defendants and, by virtue of which, they had the right to operate in China at all, shows exactly to the contrary.

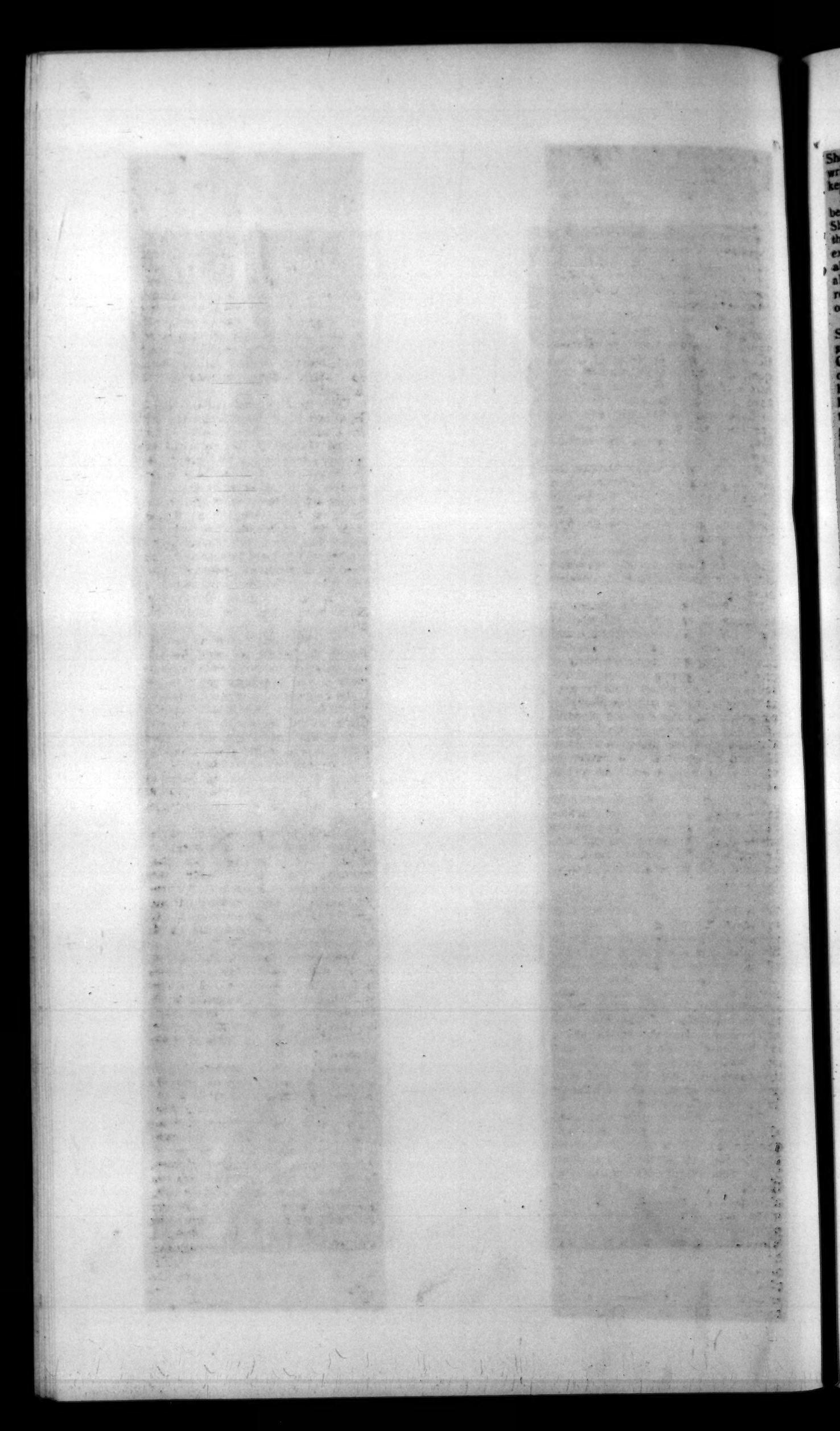
I hold in my hand a printed copy of the contract between the Chinese Government and the defendants, and, whether this action should be held to be local or transitory, the spirit and letter of that contract locates Shanghai as the proper venue for it.

If the resolution under which the Plaintiff was employed, and the resolution by which he was discharged should be the criterion by which to determine whether this is a local or transitory action, then, every rule of interpretation, known to the law, locates Shanghai only, as the place where both the resolutions became effective. When the defendants allege that the resolutions relied upon by the Plaintiff for his employment and discharge are solely of the locality of New York, they allege what is absolutely contrary to the contract they have signed, for, by the explicit provisions of that contract, neither resolution could be effective without the precedent approval of the director general, who has always resided in Shanghai, and never in New York. The Plaintiff could not have been employed without the approval of the director general; he could not have been discharged without the approval of the same authority. Not only were these gentlemen who hail from New York and Belgium prohibited by their contract from employing the plaintiff, except upon the condition indicated, but neither could the salary of the plaintiff have been fixed or paid without the approval of the director general, well-known as His Excellency Sheng Kung-pao, an old resident of Shanghai.

And where was this contract to be executed? It was made to be carried into effect in China, and the executive authority to make the contract effectual, had its headquarters and did its executive work here in this city. The authority that made its provisions operative, and the place where the balance wheel, as it were, received its motive, its propelling power, has always been within the jurisdiction of the Court over which your Honor presides. The plaintiff, as engineer-in-chief, was entirely subject to the instructions of the board of commissioners, and could not move or do anything without such instructions, and that board was under the supervision of the director general, and his approal or disapproval was a finality.

And it is a fact, that the contractors or directors who resided in New York did not have even the authority to keep in New York the money belonging to the defendants. On page 14 of the contract there is a provision which provides, that of the proceeds realised from the sale of bonds, after deducting so much of them as may be required to be kept in the United States for the purchase of materials etc., the balance shall be remitted to Shanghai to be kept in such Shanghai Banks as may be agreed upon. On page 20, there is another provision, that all accounts of the railway construction and operation in China are to be kept in Shanghai currency, and that the staff of the chief accountant's department shall be composed of Chinese and foreigners.

When the contract, which the defendants have signed, binds them to keep all the money belonging to the Company in Shanghai, it is quite curious that they should invite the plaintiff to New York where the money should not be. The plaintiff is here in



Shanghai where it was agreed in writing that the money should be kept, and where it ought to be.

Not only was the money required to be kept in the Shanghai Banks, and in Shanghai currency, but on page 22 of the contract, your Honor will see it is expressly provided that the deeds for all land purchased by the defendants, all current reports, and every other record, shall be kept in the defendants' office at Shanghai.

Now, why are the records not in Shanghai? The defendants have signed a contract with the Chinese Government that the records, consequent upon that contract, shall be kept here in Shanghai. By whose authority have they been removed? Is China to have such rights only as these gentlemen who hail from the cities of New York and Brussels feel inclined to respect?

I use the word China, because the director general of the defendants is a Chinese, and of the five members of the Board of Commissioners, two are foreigners, two Chinese, and the fifth is the engineer-in-chief.

On page 19, your Honor will see that the head office for the operation of the defendant Company is located at Shanghai.

The office of the director general is at Shanghai, as well as the office of the board of five commissioners, and it is provided, on page 19, that the salaries of these five members shall be paid from the general accounts of the railway, which accounts shall be kept at Shanghai, and as stated in Shanghai currency; the salary of the plaintiff, who was a member of the board of Commissioners, was simply remitted to his bank in New York as a matter of courtesy, not of right, and upon special request.

And if there is any tangible property in the world, belonging to the defendants, it is located in China and no where else. Where is the railroad, its equipment, its rolling stock, its terminals, and the record of its surveys, but in China?

Certainly, if this action is transitory this is the only Court in which to bring it, because the offices of the director general and five commissioners are in Shanghai, and, if a local action, then, all the records of the defendants, by written contract, are in Shanghai, or should be, and the gentleman who subscribes himself as the acting agent for the defendants, and who has accepted the service of the summons in this case, resides, also, in this city; every material fact emphasizes the contention that here and here only is the venue, the jurisdiction for the trial of this action.

When the defendants come here and allege, that the records of their company are in New York, they admit that they have violated their contract by the removal of such records from Shanghai, and they ought not to be allowed to take advantage of their own wrong act. They should not be permitted to remove property from where their contract provides it shall be kept, and then come here to take advantage of a wrong act under the plea of convenience. This is not an ex parte matter. There is a written contract, signed and sealed, and in that contract these gentlemen from New York and Belgium have only such rights as are defined therein, jointly with the obligations and responsibilities of their joint signers, the Chinese.

This is not a contract that can be interpreted to suit gentlemen according to the side of the ocean on which they may live. It admits of being construed only as a whole contract, and wherever its provisions locate the place for it to be executed, the place where the business shall be done, the offices and bureaus where the employees are to work, there is located the jurisdiction to which these defendants are amenable.

With these general remarks on the legal aspects of the subject I now turn for a moment to the equitable aspects.

The plaintiff in this case would be greatly inconvenienced by sending him to New York for his remedy and redress of his alleged wrongs. His means are limited, and, in that regard, he is far from being on an equality with the defendants, but, when he comes into this Court, American law clothes with full equality, and he has cited the defendants to meet him before this tribunal for the adjudication of their respective rights. He lays his action here where the cause of it arose.

It is to Mr. Gray's credit to mention, that by the force of his own character and industry he has merited employment at the handsome salary named in the defendants resolution. Before he left his home in America to come to China, at the request of the defendants, he was receiving a salary there almost as large as the salary given him in the resolution under which he was employed. He broke up his home, he came to China, and all the services he has rendered have been rendered in China.

His business office has been in this city, the board of commissioners, of which he is a member, hold their meetings, have their office, and transact their business almost within the hearing of this Consulate General, and the director general sits in this city to approve or disapprove of the action of the defendants.

Again, every material record Your Honor many think necessary to be adduced, as evidence, should be here in Shanghai, by the provisions of the Contract these defendants have entered into, and the material witnesses for the plaintiff are in China or easily procurable.

The defendants are abundantly able to incur whatever expense may be necessary to change the venue of this action; they can live on and pay out regardless of endless delays, but the plaintiff is not in such a favorable pecuniary condition, and he pleads that the Motion for a change of venue, be overruled, and that the case be tried where, according to the contract, the records were to be kept and the services were rendered, and where his material witnesses reside, where a majority of the board of commissioners also reside, as well as where resides the only officer with whom rests the authority to finally approve or disapprove all proposals or resolutons.

Mr. Brooks said that he would briefly reply to one or two points which Mr. Jernigan had brought forward. Counsel quite concurred in Mr. Jernigan's exposition of the law on Venue. There was no question that in a transitory action they could sue the defendant wherever he is to be found. He accepted that principle. His idea was to argue this motion on entirely different lines, but for the suggestion of the dual capacity in which his Honour sat.

Mr. Jernigan said that his Honour merely sat as a friend and tried to settle amicably all questions between American citizens.

Mr. Brooks said that he knew that his Honour had a very strong mind but he realised the difficulty his Honour would have, when taking this case into consideration, in entirely separating matters which might have come before his Honour in his capacity of Consul General. However, he would now drop that point. Mr. Jernigan, it seems to him, had not answered the question of the convenience of this case being tried in New York. What answer was that to say that the defendants were a rich corporation while Mr. Gray had limited means and it would therefore be inconvenient for him to go to New York, in view of the suggestion made by Counsel and which was not denied that Mr. Gray had been to New York but had not undertaken any proceedings there. With regard to the allegation that the Comissioners resided in Shanghai Counsel submitted that there was no Board of Commissioners, in fact it did not exist. Sheng Kungpao, the director general, had been in Peking for many months and it was doubtful whether he would return at all to Shanghai. However, Counsel did not think that Sheng was a material witness, or that Mr. Gray would like to bring Sheng into the case. But the point was that there were no Commissioners now. With regard to the records mentioned by Mr. Jernigan they were simply the records of the Canton-Hankow railway and not the records of the defendant company with whom Mr. Gray was alleged to have a contract. The railway office was in Shanghai but the records of expenditure or the records as appertaining to Mr. Gray's contract were in New York and always had been in New York. Mr. Gray's salary was sent to him from New York and no one knew better than Mr. Gray that it would be no inconvenience to him to have the case transferred to New York. Mr. Gray could obtain the most able Counsel in America specially in New York. But he preferred to put off the case for 18 months simply to take the company at a disadvantage and commence suit when there was no one here authorised to represent the company. Counsel thought his Honour could say "We have jurisdiction in this case but acting as Consul-General and Judge combined and acting for the good of all the people here we will order Mr. Gray to go to New York and start his action there." Mr. Gray if he wished could give his deposition here. Everything that the defendants depended for their defence was in New York. If the Court appointed a referee defendants would engage themselves to accept anyone unconnected with their company. They would afford every assistance to Mr. Gray both here and in New York in the shape of paper or documents that Mr. Gray might require for his case. But if the Court ordered the defendants to produce their records here, he would say in a spirit of fairness that a way could always be found to prevent the other side from getting any papers at all. If Mr. Gray wanted to prove his case here by the company's records there was a way of his not getting them. The Court could say to Mr. Gray that if he went to New York and if the defendants did not do as they had promised then Mr. Gray could come back to Shanghai and the Court then would try the case. The law was that the plaintiff could sue wherever he could find the defendant. They might agree upon a referee otherwise let them go to the District Court.

His Honour said that he would require Mr. Brooks to file a certified copy of the telegram which he said he had received from New York. If the parties had nothing more to say on this matter he would reserve his decision on this motion until Monday morning at 10 o'clock.

The Court then rose.

Shanghai, 3rd October.

Before the Hon. JAMES L. ROGERS, Consul General, Acting Judicially.

WILLIS E. GRAY V. AMERICAN CHINA DEVELOPMENT CO.

Mr. T. R. Jernigan and Mr. T. Morgan Phillips appeared for the plaintiff and Mr. F. M. Brooks for the defendants.

His Honour delivered the following

JUDGMENT.

In the matter of the motion of the defendants for change of venue on the grounds that the contract relied upon by the plaintiff in this action was made and executed in New York City; that the defendants main office, its principal officers, all records and evidence as well as witnesses necessary to a proper trial are in New York City; and that a hearing can only be had here at great inconvenience and delay. It has been admitted in argument that the venue is transitory and not local and therefore account can only be taken on the plaintiff's declaration in opposition that lack of evidence and general authority to defend is the result of fault and of violation or contractual obligation with the Chinese Government. It is broadly stated that being at fault, the members of the defendant company cannot rightfully come here to take advantage of a wrong act under the plea of convenience.

In considering these views there is neither intention nor desire to delve into the history of the American China Development Company, but it is necessary to state some facts well known in the present. Whatever may have been the purpose or the accomplishment during the life of the enterprise, it is an actuality that the defendant company virtually has ceased to exist in China, and that the organization and its chief offices in New York are now maintained primarily to receive and distribute the funds accruing to it under the recent sale of its property and concessionary rights in this Empire. Its agents and employees in Shanghai and elsewhere are apparently not vested with authority of consequential degree, and furthermore are prosecuting no work, the ownership of the property by the Chinese being recognized. The provisions of the original and supplemental contracts with the Chinese Government, either by consent or default practically have been annulled, and in justice no one unfamiliar with all the details can or should attach all the blame therefor to one side. The Chinese themselves apparently have not attempted to maintain the measure of control vested in them by the contracts. At this great distance from the place where the negotiations for the transfer of the property and rights took place, possessed of but scant information as to details and reasons, we only know that the retirement of the defendant company is entirely genuine and that its affairs are being closed in New York.

In view of all these facts the reasons for change of venue are entitled to and must receive respect. It must be apparent to both parties that no hearing of this case in Shanghai could possibly be had until full and ample time had been allowed. Depositions would have to be taken, persons summoned if necessary, books, records and papers produced, all of which would involve delay of months, even if the greatest expedition was used. Such delay might well cause damage and injury to entirely innocent parties. There is again the question whether, whoever may be in fault, there would not be grave impropriety in attempting to hear the case in Shanghai where conditions might arise necessitating further postponement. That such might well be the case for a variety of reasons is perfectly well known to all.

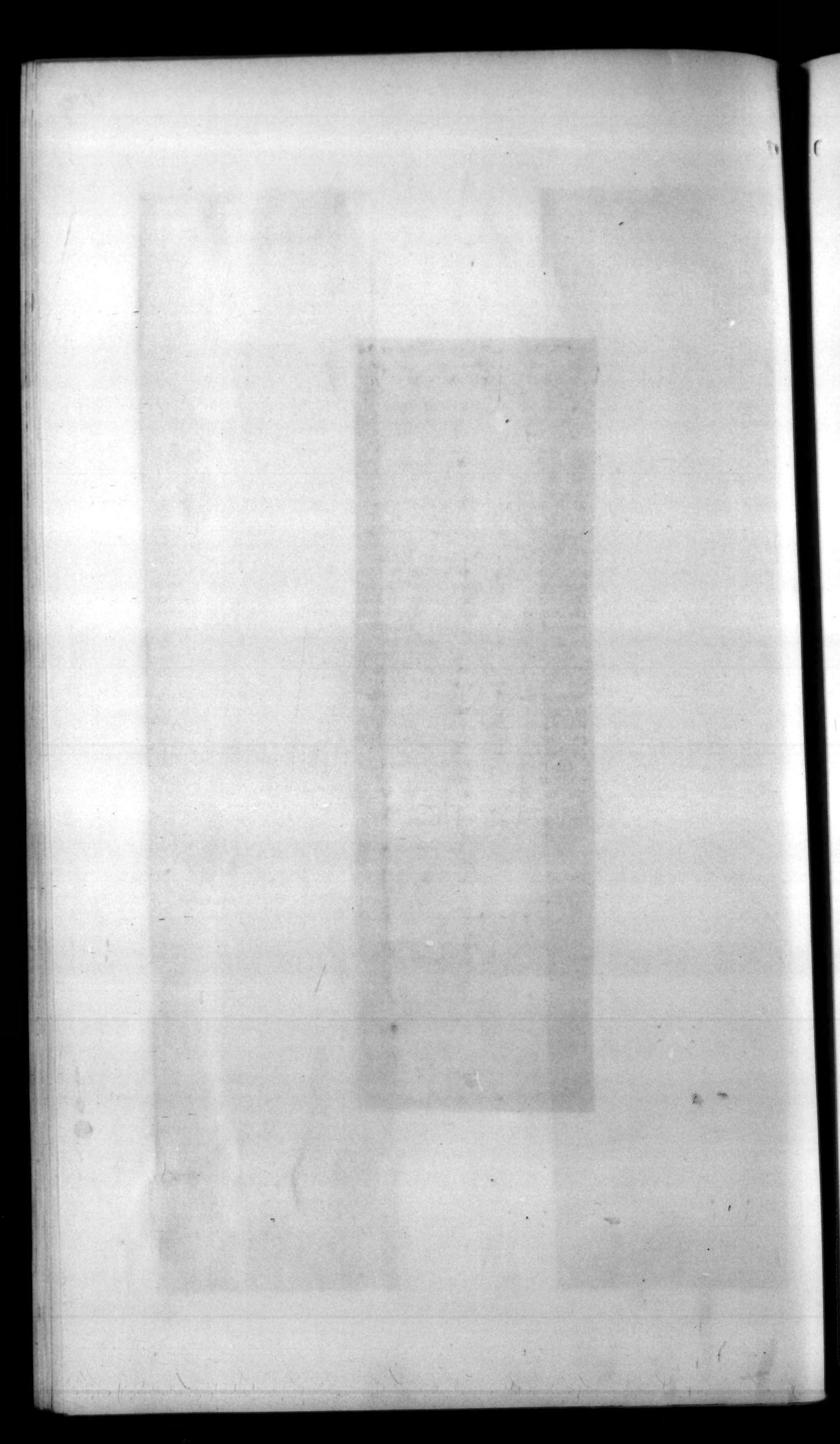
There is some question about the right of this Court to exercise its discretionary power and grant a change of venue in this case. Without discussing the matter it can be said however that a broad principle of all law is that some such action may be taken to avoid injustice and to facilitate a determination of the issue. Again, it is the inherent privilege of a court to interpose in any matter to the contrary and failure to do is deemed dereliction in duty.

It is fortunate that there is now no necessity for the recognition of technical objection, or consideration of the judicial authority involved. Acting under the direction of Section 4098 Revised Statutes of the United States, I have encouraged and have obtained an agreement from the parties that this case shall be submitted to a referee or referees, mutually satisfactory, for hearing. In recognition of all the circumstances and conditions and believing that not only the ends of justice but also the personal interests of all concerned will be better served, an order will be entered providing that the referee or referees who shall be selected by the parties will be commissioned by this Court, and will be directed to commence the hearing in the city of New York, United States of America, within four months from this date. It will be further ordered that the reference shall be in accordance with the rules laid down in Section 4098 U.S. Revised Statutes. An order providing for taking depositions in Shanghai, for the production of such documentary evidence as may be here, and for the record of this case will be made. Should further orders be necessary to protect the rights of both parties in Shanghai prior to the hearing in New York, this Court will consider motions to that effect.

Each party is to bear its own costs made in this Court.

Jas. L. Rogers,
Consul-General of U.S.A.,
Acting Judicially.

Mr. Brooks—Then if the Court pleases I presume that so far as this particular case is concerned it has no further standing in this Court.



His Honour—Except in so far as the Court will recognise orders, motions for orders to protect the rights of both parties pending the taking of the depositions and so on in Shanghai.

Mr. Brooks said his point was that there had been no issue raised here yet and the time extended for filing pleas had practically elapsed and he did not know if the Court's intention was to allow it to stand as it was or whether they would require them to join pleas and issue here, that was to say the amended petition on file.

His Honour—The answer to that is simply that I wish the matter to proceed now under section 4089 Consular Regulations of the United States. (Section read). I want to say still further that all proper papers in this case for this reference will be prepared.

Mr. Brooks said he desired to say on the part of the defendant company that they were ready not to take advantage of the four months' limit but to negotiate with Counsel on the other side for the selection of a Referee at any time they saw fit to approach them on the subject.

His Honour said if the parties here could not decide on referees in Shanghai he might state that he would furnish commissions and send them to the United States to the Commissioner in New York.

Mr. Brooks said his clients would not be arbitrary in any way; they would be very glad to start without the least delay. There were a host of referees that certainly would be unbiassed and unprejudiced in New York who would be very glad to take it up.

His Honour—I hope as a matter of course to see the settlement of that question.

Mr. Phillips said he did not think either Mr Jernigan or himself had anything to say. Any further proceedings will be under the section which his Honour had quoted.

His Honour—Yes. I will furnish both sides with a copy of this document.

The Court then rose.

BUREAU OF ACCOUNTS.

3rd ASST. SECRETARY. OCT 31 1905

No. 11

AMERICAN CONSULATE-GENERAL,

SHANGHAI, October 4th, 1905.

Bureau of accts ackld Nov 23, 1905

RECEIVED. NOV 10 1905 BUR. ACCOUNTS DEP. OF STATE.

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

Copy & Secy Taft Nov. 16. 1905.

Copy of enclosure to Secretary Taft Nov. 16. 1905- Acctd Nov. 23. 1905

SUBJECT:

Boxers Indemnity.

ABSTRACT OF CONTENTS:

Transmitting copy of letter from the Taot'ai of Shanghai relative to payment of the indemnity installment.

File

INDEX BUREAU NOV 28 1905 FILED

CHIEF CLERK, OCT 31 1905 Department of State.

No. 4

AMERICAN CONSULATE-GENERAL,

SHANGHAI, October 4th , 1905.

THE HONORABLE Francis B. Loomis,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to transmit herewith a copy of a letter from Yuan, Customs Taot'ai of Shanghai, relative to the payment of the indemnity installment.

I beg to request that this letter be referred to the proper department.

I have the honor to be,

Sir,

Your obedient servant,

Jas. L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

Enclosure: Copy of letter from Yuan Taot'ai to Con. Gen. Rodgers.

#79.

Yuan Taot'ai to Hon. James L. Rodgers,
re payment of indemnity.

Sir:-

I beg to address you in regard to the Foreign Powers Treaty of Peace Indemnity. The Wai Wu Pu and the Ministers resident in Peking discussed and settled this matter. After having signed it, China must each year pay certain interest and principal, which shall be apportioned and paid monthly. This apportionment is to be paid at the end of the foreign month. In making up this apportionment, interest is to be figured from the date of the last payment to the end of the six months period at the yearly rate of 4% and this amount deducted (assuming that a year is divided into two six months periods). It remains optional with the respective powers to decide for themselves whether China is obliged in making the respective payments to pay in the currency of the power concerned, or in accordance with the London exchange rate of silver, or by time draft, or by telegraphic exchange draft, With reference to the time draft or telegraphic exchange draft, China is at liberty to choose the place and bank from which she may secure best terms or if she so desires to secure terms through brokers. Having purchased the drafts she must despatch them to the powers concerned. The indemnity of the latter six months of this year is, inaccordance with the six months apportionment regulations, made out in round numbers. The odd amounts shall be held over for the semi-annual settlement at which time they will be turned over in lump sum, this being a more convenient method of reckoning.

I have already taken the foreign eighth month indemnity apportionment and despatched it to your Government as is recorded. Now I find that this year's ninth month 2nd day Chinese calendar, corresponds with the ninth month thirtieth day foreign calendar; therefore I must despatch to your Government the sum

of

of Gold $89,400.oo, being this month's indemnity apportionment. I have already sent a draft to New York covering this amount . As in duty bound I therefore write you, hoping that you will take note and in turn inform your superiors, for which accept my thanks.

I avail myself of the ppportunity to renew the assurances of my highest consideration.

Dated October 1, 1905.

Card of Yuan, Taot'ai of Shanghai enclosed.

To Hon. Jas. L. Rodgers.

American Consul General.

BUREAU OF APPOINTMENTS
OCT 5 1905

TELEGRAM RECEIVED IN CIPHER.

INDEX BUREAU
RECD
OCT 5 1905
DEPT OF STATE

From

Shanghai,

Received 5.23 A.M.

October 5, 1905.

Copy oct 11/05

ASSISTANT SECRETARY,
OCT 10 1905

Ack. and file.

Secretary of State,

Washington.

Case Gray against American China Development Company referred to New York.

RODGERS

INDEX BUREAU
OCT 12 1905
FILED

Ciphered by S.H.Q.

Bureau of Appointments.

CONSULAR BUREAU.
NOTED.

3rd ASST. SECRETARY.
DEC 7 1905

No. 4

AMERICAN CONSULATE-GENERAL,

SHANGHAI, October 16th, 1905.

CHIEF CLERK
DEC
7
1905
DEPARTMENT
OF STATE.

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

SUBJECT:

Marriage.

Dec 29/05

ABSTRACT OF CONTENTS:

Transmitting certificate of marriage issued to Walter Scott Hibbard and Mary Kroger.

CONSULAR BUREAU.
NOTED.

No. #

AMERICAN CONSULATE-GENERAL,

SHANGHAI, October 16th , 1905.

THE HONORABLE Francis B. Loomis,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to enclose herewith a certificate of marraige issued to Walter Scott Hibbard and Mary Kroger..

I have the honor to be,

Sir,

Your obedient servant,

Jas. L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

Enclosure: Marriage certificate.

Form No. 87.

Sile.

CERTIFICATE OF MARRIAGE

Consular Office of the United States of America

SHANGHAI, CHINA October 14th 1905

I, N. P. Boyd, Deputy Consul-General of the United States at Shanghai, China, do hereby certify that, on this fourteenth day of October A.D., 1905, at U. S. Consulate General in the city of Shanghai, Walter Scott Hibbard, aged 30 years, born in Chicago, Ill and now residing in Shanghai, and Mary Krager, aged 21 years born in Shanghai, and now residing in Shanghai, were United in Marriage before me, and in my presence, by Rev. H. S. Myers D.D., who is authorized by the laws of New York to perform such a ceremony.

In Witness Whereof I have hereunto subscribed my name and affixed the seal of my office at Shanghai, China, this 14th day of October, A. D., 1905, and of the Independence of the United States the One hundred & thirtieth

N. P. Boyd

Deputy Consul-General of the United States of America.

Fee one dollar. To be issued in duplicate.



No. 55.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, October 21st , 1905.

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

SUBJECT: reporting the Transfer of the British schooner "Polar Star" ~~from Shai Licensed Pilots Ass'n~~ to ~~A.E.Fischer~~, an American citizen.

ABSTRACT OF CONTENTS:

Informing the Department of the purchase by August Ernst Fischer, an American citizen, of the British shhooner "Polar Star".

No. 55.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, October 21st , 1905.

THE HONORABLE Francis B. Loomis,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to inform you that the British Schooner Polar Star owned by the Shanghai Licensed Pilots Association of Shanghai, has been purchased by August Ernst Fischer, a citizen of the United States residing in Yokohama, and a certificate (form No.35) was issued by this Consulate General and attached to the Bill of Sale.

I enclose herewith copy of Bill of Sale and written description of the vessel. H. Feser a naturalized American citizen was sworn in as Master and is now in command of the vessel, which has this day cleared for Taipan, Mariana Island and Guam.

I have the honor to be,

Sir,

Your obedient servant,

Geo. E. Anderson

AMERICAN CONSUL GENERAL.

Y.W.

Enclosures: 2.

CONSULAR BUREAU.
NOTED.

No. #

AMERICAN CONSULATE-GENERAL,

SHANGHAI, October 27th , 1905.

CHIEF CLERK
DEC
1905
DEPARTMENT
OF STATE.

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

SUBJECT:

Marriages.

Austryforwd
Dec 11/05

ABSTRACT OF CONTENTS:

Transmitting certificates of marriage issued to Wisner & Wilson and Shengle & Nazer.

INDEX BUREAU
DEC 12 1905
FILED

CONSULAR BUREAU.
NOTED

No. 4

AMERICAN CONSULATE-GENERAL,

SHANGHAI, October 27th, 1905.

THE HONORABLE Francis B. Loomis,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to transmit herewith two certificates of marriage issued to Percy F. Wisner & Mary Sims Wilson and John Clarence Shengle & Mabel Nazer, respectively, in accordance with paragraph #419 of the Consular Regulations.

I have the honor to be,

Sir,

Your obedient servant,

Jas L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

Form No. 87.

CERTIFICATE OF MARRIAGE

Consular Office of the United States of America

SHANGHAI, CHINA October 7th 1905

I, R. O. Boyd, Deputy Consul-General of the United States at Shanghai, China, do hereby certify that, on this Seventh day of October A.D., 1905, at Church of Our Savior, in the city of Shanghai, Percy F. Trainer, aged 25 years, born in Shanghai, China and now residing in Shanghai, and May Ennis Wilson, aged 22 years born in Hot Springs, Arkansas, and now residing in Shanghai, were United in Marriage before me, and in my presence, by Rev. Stenny James, who is authorized by the laws of Pennsylvania to perform such a ceremony.

In Witness Whereof I have hereunto subscribed my name and affixed the seal of my office at Shanghai, China, this Seventh day of October, A. D., 1905, and of the Independence of the United States the One hundred and thirtieth

R. O. Boyd

Deputy Consul-General of the United States of America.

Fee one dollar. To be issued in duplicate.



Form No. 87.

CERTIFICATE OF MARRIAGE

Consular Office of the United States of America

SHANGHAI, CHINA October 25th 1905

I, James L. Rodgers Consul-General of the United States at Shanghai, China, do hereby certify that, on this 25th day of October A.D., 1905 at Trinity Cathedral in the city of Shanghai, John Channer Shengle, aged 29 years, born in Philadelphia, Pa and now residing in Shanghai, and Mabel Nager, aged 22 years born in Hongkong, and now residing in Shanghai, were United in Marriage before me, and in my presence, by Rev. A. J. Walker, who is authorized by the laws of Great Britain to perform such a ceremony.

In Witness Whereof I have hereunto subscribed my name and affixed the seal of my office at Shanghai, China, this 25th day of October, A. D., 1905, and of the Independence of the United States the one hundred & thirtieth

James L. Rodgers
Consul-General of the United States of America.

Fee one dollar. To be issued in duplicate.



CONSULAR BUREAU. DEC 12 1905 DEPARTMENT of STATE

3rd ASST. SECRETARY. DEC 9 1905

No. 56.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, October 30th, 1905

CHIEF CLERK DEC 7 1905 DEPARTMENT OF STATE.

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

SUBJECT:

Mr. J. F. Crowell's complaint against Consular Postoffice.

ABSTRACT OF CONTENTS:

Reporting on complaint of Mr. John Franklin Crowell as to alleged carelessness in handling mail matter in Shanghai Post Office.

INDEX BUREAU DEC 23 1905 FILED

No. 56.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, October 30th , 1905 .

THE HONORABLE Francis B. Loomis,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to acknowledge receipt of the Department's No. 9 of Sept. 20th 1905, enclosing a copy of a letter from Mr. John Franklin Crowell, of the Intercontinental Correspondence University, in regard to a complaint of carelessness in the handling of mail matter at the Shanghai Consular postoffice, and asking for a report upon the matter.

In reply I beg to state respectfully and yet with the utmost positiveness that the correspondent of Mr. Crowell is not justified in any respect in stating that "owing to the notorious carelessness and supreme indifference of the Consular post office" at that point (Shanghai) there is necessity for the registration of all mail matter to be sent to him. Nor is Mr. Crowell justified in assuming that such a statement is true.

The Shanghai post office, as its record of the present with the Department at Washington will show is conducted upon as certain and definite methods to secure proper results, as postoffices at home. The men handling the mails are experienced, the complaints of those receiving mails are few, and the utmost care in the work is observed.

As is doubtless known the mail addressed to Shanghai is carried at the regular American rate of postage, and where persons receiving mail at this office

have boxes or receive their mail at the General Delivery window, there is no trouble in getting it safely into possession. But with those who simply have a local address and who depend upon the Chinese Imperial Post Delivery there may well be a different result as the Chinese letter carriers are well known to be not always as particular and persistent in the matter of delivery as they should be. Such mail when received here is turned over to the Chinese post office under our contract for delivery as we have no delivery system of our own. We assume that it is delivered but as we cannot take receipt for each piece of mail matter turned over, we do not know.

Again a large amount of mail matter for interior points is received and much of it is stamped at American postage rates. This mail is resorted and delivered to the Chinese post for transmission, receipt being taken for the bags. The collection of the extra postage from Shanghai to the interior often involves trouble to the Chinese post, and perhaps there is a failure to deliver as is indicated by letters returned upon which the excess postage would not be paid. Our responsibility ends when we deliver such mail either for local or interior distribution and although the practice is to endeavor to trace any missing mail through the Chinese post, there is usually failure.

In view of this statement of fact given without bias and in the interest of a proper understanding, I think it grossly unjust to lay such a sweeping charge against the American Shanghai Post Office. We are perfectly willing to be held responsible and accountable for all mail which we deliver from this office, but we cannot assume the same burden for the outside.

Mr. Crowell does not say where his clients are located, but if they are outside Shanghai or do not personally receive their mail at this office, it will certainly

two boxes of receive their mail at the General Delivery
window, there is no trouble in getting it safely into
possession. But with those who simply have a local address
and who depend upon the Chinese Imperial Post Delivery
there may well be a different result as the Chinese letter
carriers are well known to be not always as particular
and persistent in the matter of delivery as they should be.
Your mail when received here is turned over to the Chinese
post office under our contract for delivery as we have no
delivery system of our own. We assume that it is delivered
and we cannot take oversight for each piece of mail matter
turned over, so we do not know.

Again a large amount of mail matter for the
Chinese points is received and much of it is stamped at
American postage rates. This mail is received and delivered
to the Chinese post for transmission, receipt being taken
for the bags. The collection of the excess postage from
consignee to the Interior often involves trouble to the
Chinese post, and perhaps there is a failure to deliver as
indicated by letters returned upon which the excess
postage would not be paid. Our responsibility ends when
we deliver such mail either for local or interior distribu-
tion and although the practice is to endeavor to trace any
missing mail through the Chinese post, there is usually
failure.

In view of this statement of fact given with
much care and as the interest of a proper understanding, I
think it proper further to lay such a sweeping charge again-
st the American Consular Post Office. We are perfectly
willing to be held responsible and accountable for all mail
which we deliver from this office, but we cannot assume
the same burden for the outside.

We. Cornell does not say where his clients
are located, but if they are outside Shanghai or do not per-
sonally receive their mail at this office, it will certainly

be advisable to register all valuable matter. Those in Shanghai he should instruct by him to take delivery at this office, as is the usual practice with Americans.

I would greatly appreciate any specific information that Mr. Crowell can give as to the location of his correspondents, their names etc., for then we may perhaps be able to give even better reasons for their alleged failure to receive mail.

Trusting this will be satisfactory,

I have the honor to be,

Sir,

Your obedient servant,

Jas. L. Rodgers

AMERICAN CONSUL GENERAL
& POSTAL AGENT.

Y.W.

to advisable to register all valuable matter. Those in
charge of goods insured by us on sale delivery at
this office, as in the usual process with Merchants.

I would greatly appreciate any specific
information that Mr. Russell can give us in the Jacobian
claim correspondence, about names etc., for then we may
perhaps be able to give even better reasons for their
prompt failure to receive mail.

Trusting this will be satisfactory,

I have the honor to be,

Sir,

Your obedient servant.

AMERICAN COMMON GENERAL
& POSTAL AGENT.

Confirm

Give press

TELEGRAM RECEIVED IN CIPHER.

BUREAU OF APPOINTMENTS
OCT 31 1905
DEPARTMENT OF STATE.

Secretary of State
OCT 31 1905

From Shanghai, October 31, 1905.

(Received 1:35 P.M.)

OCT 31 1905
DEPT OF STATE

INDEX BUREAU
NOV 3 1905
FILED

Secretary of State,

Washington.

Train just arrived (at) Shanghai. Incident occurred near Nanking, October 24. The Admiral, (his) son (and) party (were) shooting. (A) Chinese woman (was) accidentally wounded by the son. Injuries were slight, however. Son (was) detained by mob. Rescue party landed from the Quiros. Amicable settlement already made. Immediately afterwards mob attacked; two Chinese (were) wounded by Langley Yantze, pilot, and Gray, civilian clerk, (in) self defense. Sailors had not engaged; Americans uninjured. Governor (of) Nganking apologized, compelled restoration (of) guns (and) punished ringleaders (of the) mob. Incident (is) apparently closed.

RODGERS.

DEPARTMENT OF STATE
OCT 31 5 20PM 1905
CHIEF CLERK'S OFFICE

Ciphered by S.H.Q.

Bureau of Appointments.

TELEGRAM RECEIVED IN CIPHER.

BUREAU OF APPOINTMENTS
OCT 31 1905
Department of State.

Secretary of State.
OCT 31 1905

CONSULAR BUREAU
OCT 31 1905
DEPARTMENT of STATE

From Shanghai, October 31, 1905.

(Received 9:23 A. M.)

Secretary of State,

Washington.

Conf'd - Ahmed
1 to Page, Nov 2/05

Boycott somewhat in evidence Yangtse river ports mainly against the Standard Oil. Quiet here.

RODGERS.

INDEX BUREAU
NOV 3 1905
FILED

Deciphered by C.R.D.

Bureau of Appointments.

CONSULAR BUREAU
NOTED AND PUBLISHED
3rd ASST. SECRETARY.
DEC 9 1905

No. #

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, October 31st , 1905.

CHIEF CLERK
DEC
DEPARTMENT
OF STATE.

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

SUBJECT:

Death Reports.

ABSTRACT OF CONTENTS:

Reporting the death of Benjamin Drury, an American seaman and Issac Valencia, a Filipino.

No. #

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, October 31st , 1905.

THE HONORABLE Francis B. Loomis,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to transmit herewith form #192 in duplicate, showing the death of Benjamin Drury, an American seaman, and also that showing the death of Issac Valencia, a Filipino.

I have the honor to be,

Sir,

Your obedient servant,



AMERICAN CONSUL GENERAL.

Y.W.

Enclosures: 2 reports of death.

(Form No. 192.)

CONSULAR [illegible]
NOTED AND PUBLISHED

REPORT OF THE DEATH OF AN AMERICAN CITIZEN.

Consular Service, U. S. A.,

October 27th 1905.

Name: Benjamin Drury

Native or naturalized: Yes

Date of death: October 10,1905

Place of death: Shanghai

Cause of death: Senility

Disposition of remains: Buried

Local law as to disinterring remains in case it is desired to bring them home: None.

Disposition of effects: Left none except personal papers.

Address of family: Unknown

Family notified:

Accompanied by relatives: No

This information, inventory, accounts, etc., recorded in Miscellaneous Record Book, pages 465

Remarks:

[SEAL.]

Jas L. Rodgers

of the United States.

(Form No. 192.)

CONSULAR SERVICE, U. S. A.,

AT

_____

Report of the Death of an American Citizen.

*Enclosure No.*_____*in despatch*

*No.*_____.

_____, *190* .

(Form No. 192.)

CONSULAR BUREAU
NOTED AND PUBLISHED

REPORT OF THE DEATH OF AN AMERICAN CITIZEN.

Consular Service, U. S. A.,

October 27th 190 5.

Name: Benjamin Drury

Native or naturalized: Yes

Date of death: October 10,1905

Place of death: Shanghai

Cause of death: Senility

Disposition of remains: Buried

Local law as to disinterring remains in case it is desired to bring them home: None

Disposition of effects: Left none except personal papers.

Address of family: Unknown

Family notified:

Accompanied by relatives: No

This information, inventory, accounts, etc., recorded in Miscellaneous Record Book, pages 465

Remarks:

[SEAL.]

Jas L. Rodgers

of the United States.

(Form No. 192.)

CONSULAR SERVICE, U. S. A.,

AT

_____

Report of the Death of an American Citizen.

---

*Enclosure No.*_____*in despatch*

*No.*_____.

_____, *190* .

(Form No. 192.)

CONSULAR BUREAU
NOTED.

REPORT OF THE DEATH OF AN AMERICAN CITIZEN.

Consular Service, U. S. A.,

October 27th, 1905 190 .

Name: Isaac Valencia

Native or naturalized: Filipino

Date of death: October 1st, 1905

Place of death: Shanghai

Cause of death: Broncho-pneumonia

Disposition of remains: Buried

Local law as to disinterring remains in case it is desired to bring them home: None

Disposition of effects: Unknown

Address of family: Unknown

Family notified: Unknown

Accompanied by relatives: No

This information, inventory, accounts, etc., recorded in Miscellaneous Record Book, pages 464

Remarks:

[SEAL.]

Jas. L. Rodgers

Consul-General of the United States.

(Form No. 192.)

CONSULAR SERVICE, U. S. A.,

AT

_____

Report of the Death of an American Citizen.

Enclosure No. _____ *in despatch*

No. _____.

_____, *190* .

(Form No. 192.)

CONSULAR BUREAU.
NOTED

REPORT OF THE DEATH OF AN AMERICAN CITIZEN.

Consular Service, U. S. A.,

October 27th, 1905 190 .

Name: Isaac Valencia

Native or naturalized: Filipino

Date of death: October 1st, 1905

Place of death: Shanghai

Cause of death: Broncho-pneumonia

Disposition of remains: Buried

Local law as to disinterring remains in case it is desired to bring them home: None

Disposition of effects: Unknown

Address of family: Unknown

Family notified: Unknown

Accompanied by relatives: No

This information, inventory, accounts, etc., recorded in Miscellaneous Record Book, pages 464

Remarks:

[SEAL.]

Jay L. Rudgers

Consul-General of the United States.

(Form No. 102.)

CONSULAR SERVICE, U. S. A.,

AT

_____

Report of the Death of an American Citizen.

*Enclosure No.*_____*in despatch*

*No.*_____.

_____, *190* .

DEC 15 1905 DEPARTMENT OF STATE

3rd ASST. SECRETARY. DEC 9 1905

No. 57

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, November 1st , 1905.

CHIEF CLERK DEC 8 1905 DEPARTMENT OF STATE.

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

To Dr Barchet & Cy Dec 28-05

SUBJECT:

Extension of Dr. Barchet's leave.

ABSTRACT OF CONTENTS:

INDEX BUREAU DEC 29 1905 FILED

No. 57

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, November 1st 1905.

THE HONORABLE Francis B. Loomis,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to state that in response to a request from Dr. S. P. Barchet, Interpreter of this Consulate General, now on leave in America, I have expressed to him my entire willingness that he should have an extension of his furlough from September 24, to December 24, 1905. It is my understanding that Dr. Barchet's health is still impaired and I am very doubtful as to whether he will ever return to China.

I have the honor to be,

Sir,

Your obedient servant,

Jas L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

AMERICAN CONSULATE-GENERAL,

HAVANA, CUBA, December 2nd, 1920.

No. 1

Subject: Passports.

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

Sir:

I have the honor to state that in response to a request from Mr. S. T. Bertsch, Interpreter at this Consulate General, now on leave in America, I have expressed to him my entire willingness that he should have an extension of his furlough from September 24, to December 24, 1920. It is my understanding that Mr. Bertsch's wealth is still impaired and I am very anxious as to whether he will ever return to Cuba.

I have the honor to be,

Sir,

Your obedient servant,

U.S.

CONSULAR BUREAU DEC 1907 DEPARTMENT OF STATE

3rd ASST. SECRETARY. DEC 9 1905

No. 58

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, November 2nd, 1905.

CHIEF CLERK DEC 1907 DEPARTMENT OF STATE.

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

Ans by trans Dec 18/05

SUBJECT:

Senior Consulship at Shanghai.

ABSTRACT OF CONTENTS:

Reporting the resignation of the German Consul General and assumption of duties as Senior Consul by Consul General for Russia.

INDEX BUREAU DEC 9 1905 FILED

No. 58.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, November 2nd , 1905.

THE HONORABLE Francis B. Loomis,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to report that Dr. Knappe, Senior Consul and German Consul General at Shanghai, having resigned, the Senior Consulship has been taken over by Hon. C. Kleimenow, Consul General for Russia, he being next in seniority. This conclusion has caused the greatest surprise on account of the fact that it had been announced from the Russian Consulate that Mr. Kleimenow would not assume the duties. The general interpretation put upon the matter is that it signifies the Russian policy to contest with all other nations every inch of advantage in the dealings with the Chinese. The position of Senior Consul in Shanghai naturally commands respect from the Chinese, and Russian affairs in this important centre of commerce will profit by it.

I have the honor to be,

Sir,

Your obedient servant,

Jas. L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

No. 89.

AMERICAN CONSULATE GENERAL,

SHANGHAI, CHINA, September 6th, 1907.

THE HONORABLE ELIHU ROOT,

THE SECRETARY OF STATE,

WASHINGTON, D.C.

I have the honor to report that Mr. Rhodes,

Senior Consul and Senior Consul General at Shanghai,

having resigned, the Senior Consular Representative

over here is Mr. G. Kleinwort, Consul General for Russia,

he being next in seniority. This consideration has caused

the greatest surprise on account of the fact that it

had been announced from the Russian Government that Mr.

Kleinwort would not assume the rights. The general inter-

pretation put upon the matter is that it signifies the

Russian policy to contest with all other nations every

inch of advantage in the dealings with the Chinese. The

position of Senior Consul in Shanghai naturally commands

respect from the Chinese, and Russian efforts in this

important centre of commerce will greatly be

I have the honor to be,

Sir,

Your obedient servant,

AMERICAN CONSUL GENERAL.

CONSULAR BUREAU DEC 16 1905 DEPARTMENT OF STATE
Secretary of State. DEC 15 1905
3rd ASST. SECRETARY. DEC 9 1905

No. 57

AMERICAN CONSULATE-GENERAL,

ASSISTANT SECRETARY DEC 14 1905

SHANGHAI, CHINA, November 2nd , 1905.

CHIEF CLERK DEC 14 1905 DEPARTMENT OF STATE.
CHIEF CLERK DEC 0 1905 DEPARTMENT OF STATE.

MR. James L. Rodgers

TO THE DEPARTMENT OF STATE.

Ans by ltr Dec 30/05

SUBJECT:

re the Transfer of American China Development Co. property.

ABSTRACT OF CONTENTS:

Reporting on transfer proceedings, and the claims of Chinese and others against the Company. Also referring to case of Gray vs same company.

INDEX BUREAU DEC 21 1905 FILED

No. 59

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, November 2nd , 1905.

THE HONORABLE Francis B. Loomis,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to report that the Chinese Commissioners in connection with the American China Development Co. and the Canton and Hankow Railway matter are now in Shanghai receiving the property from Mr. P. H. Ashmead, Engineer-in-Chief, of the Company, and that the business relative to the transfer is proceeding rapidly, and will be finsihed in a short time.

The agents of the Company here have been notified that the following claims will be pressed for payment: H. E. Sheng Kung Pao for salary as Commissioner for thriteen months Taels 52000; Mr. Chun Oiting for salary for ten months Taels 5500; Mr. Wong Kok Shan for salary for ten months Taels 5500. In addition H. E. Sheng claims for preliminary survey expenses Taels 40910.26, Li Tsun on account of guards and incidentals Taels 15586.92, and H. E. Sheng on account of the trip of Dr. J. C. Ferguson to America Taels 13700. The Company has signified its willingness to liquidate through J. P. Morgan & Co. the claim of H. E. Sheng for survey, that of Li Tsun to the amount of Dollars 9341.55 Mexican, and that of Dr. Ferguson to the extent of Dollars 4000 gold, but the salary accounts are in dispute. I am inclined to believe however that some amicable adjustment of all

will

will be made and thus avoid litigation.

The preliminaries to the reference of the case of Gray vs The American China Development Co. are being arranged by me and will be completed soon, after which I hope the matter will disappear from the Shanghai records.

I have the honor to be,

Sir,

Your obedient servant,

Jas. L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

3rd ASST. SECRETARY.
DEC 9 1905

No. 60

AMERICAN CONSULATE-GENERAL,

SHANGHAI, China, November 2nd , 1905.

CHIEF CLERK
DEC
6
1905
DEPARTMENT
OF STATE.

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

COPIES MADE.

SUBJECT:

Boycott conditions.

ABSTRACT OF CONTENTS:

Reporting on prevalence of boycott sentiment in Yangtse valley with especial reference to the product of the Standard Oil Co. The situation in Shanghai.

INDEX BUREAU
FEB 17 1906
FILED

No. 60

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, November 2nd , 1905 .

THE HONORABLE Francis B. Loomis,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to confirm my telegram of Oct. 31st, reading as follows:

"Boycott somewaht in evidence Yangtse River "ports, mainly against Standard Oil. Quiet "here."

In explanation of which I beg to state that reports have reached me within the last few days indicating that there is some boycott sentiment in the Yangtse River ports, it being directed, however, principally against the product of the Standard Oil Co. There is a reason for this inasmuch as a dispute as to the location of the plant of the Standard Oil Co. in Nanking has arisen and has caused a great deal of ill feeling. The officials at Nanking apparently are under the domination of the student class and unquestionably the location of the Standard Oil buildings has given the pretext for refusal to take their goods. This matter is still in abeyance, it being, I understand, the subject of correspondence between Mr. Haynes, the Consul at Nanking, and the Legation. However, at Kiukiang, Chinkiang, Hankow and several other river ports the Standard Oil people assert there is vigorous boycott sentiment among the consumers but they acknowledge that a portion of this antagonism is unquestionably created by their trade competitors. Nevertheless it is asserted that the boycott

agitation

agitation is just reaching the people of the remote districts and that, as has been indicated in previous dispatches to the Department, it will take a long time to get it out of the minds of the people. I am not disposed however to accept all of the statements in relation to the boycott of Standard Oil as being worthy of entire credence although it is undoubtedly true that there is trouble in relation to the marketing of their product. Careful and diligent inquiry among other merchants who are constantly sending American goods up the Yangtse River shows that there has been a general falling off in trade not only in American goods but also in those of other countries. This stagnation of business has become marked within the last month and it is believed is in no way attributable to anti-American or anti-foreign sentiment. It is more probably the outcome of the active business which was urged upon the river ports by reason of the close of the northern markets during the late war.

In Shanghai I am informed by American merchants, by those of other nationalities, by the Chinese officials, and by the members of the various guilds that there is practically no boycott sentiment, the agitation having been suspended for many reasons by the agitators and the student class being compelled by public sentiment to await the determination of the questions which will arise under the new treaty. The Shanghai Taot'ai, with whom I had a long conference upon the subject October 30th, states that there will be no further trouble but that he is somewhat embarrassed in trying to explain to the students the reason for delay in the meeting of Congress, the statement having been made here from Chinese sources that Congress would take up the Chinese Exclusion Law question at a special session which was to meet in October.

The

Dept.#60--3.

The trade to the north is still active so far as can be observed. No complaint of a lack of business is made by the American merchants. It will be my endeavor to keep in close touch with the Yangtse River situation and report frequently to the Department upon the subject. By reason of the fact that all commerce of the Yangtse is handled in Shanghai it will be possible to ascertain in the near future to what extent there is antagonism to American goods.

I have the honor to be,

Sir,

Your obedient servant,

Jay L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

CONSULAR BUREAU DEC 14 1905 DEPARTMENT OF STATE

DEC 13 1905 DEPARTMENT OF STATE

3rd ASST. SECRETARY DEC 9 1905

No. 61.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, November 2nd , 1905.

CHIEF CLERK DEC 6 1905 DEPARTMENT OF STATE.

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

CONSULAR BUREAU

DEPT OF STATE DEC 13 1905 2ND ASST SECRETARY

Copy to Navy to complete files. Ack.

SUBJECT: re the Trouble of Rear Admiral Train and party with Chinese villagers near Tung liu.

To Navy Dept.

To Navy Dec 16/05
Acknowledged 27/05

ABSTRACT OF CONTENTS:

Reporting upon the full details of the incident.

INDEX BUREAU DEC 28 1905 FILED

No. 61.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, November 2nd , 1905.

THE HONORABLE Francis B. Loomis,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to confirm my telegram of October 31, reading as follows:

"Secretary of State, Washington.
"Train just arrived Shanghai. Incident "occurred near Nganking October 24. Admiral "son party shooting. Chinese woman accident- "ally wounded by the son. Injuries slight. "However, son detained by mob. Rescue party "landed from the Quiros. Amicable settlement "already made. Immediately afterwards mob attacked. Two Chinese wounded by Langley "Yangtse pilot and Gray civilian clerk. Self "defense. Sailors had not engaged. Americans "uninjured. Governor Nganking apologized, com- "pelled restoration guns, punished ringleaders "mob. Incident apparently closed.
"Rodgers."

In explanation of which I beg to state that your telegram of the same date, reading:

"American Consul, Shanghai.
"Forward following to Nanking, Telegraph facts " regarding Admiral Train incident.
"Root."

was not sent to Nanking because I knew Rear Admiral Train and his party would be in this city during the day and from them I could obtain a true statement. The following was given to me by Admiral Train and members of the party.

On October 24th, 1905 while the "General Alava", the Admiral's tender, and the Yangtse River gun boat "Quiros" were lying near Tunglin, a Yangtse River port twenty miles west of Nganking, Admiral Train went ashore with his son, Lieutenant Charles Russell Train,

Commanding

Commanding "Quiros" and Orderly Stacey and a Chinese servant, the intention being to shoot pheasants. About nine o'clock in the morning Lieutenant Train fired at a bird at sixty or seventy yards and accidentally shot a Chinese woman who had been hiding behind a bush. Her outcries being heard, the Admiral and his son immediately went to her assistance and found that three of the bird shot, which were number six, had struck her in the face, inflicting very slight wounds on account of her distance from the gun. Offers of reparation and medical attendance were made, but the woman, being greatly frightened, continued to make an outcry and, as a consequence, people from a neighboring village appeared and became very ugly in their attitude. The guns of Admiral and Lieutenant Train were taken from them and they were given to understand that Lieutenant Train would have to accompany them to the village to be held as a hostage until the result of the woman's wounds could be ascertained. At this time Captain F. F. Fletcher, of Admiral Train's staff, who was also shooting, came up and he and the orderly accompanied Lieutenant Train to the village while Admiral Train returned to the river to seek assistance. The river was near by but Admiral Train had to walk a distance of four or five miles up the bank to reach his launch, and once on board the "General Alava" the ships went down stream to the vicinity of the village. Yangtse River pilot J. Langley, who speaks Chinese fluently, in company with Dr. G. L. Wickes, of the "Quiros", were sent ashore and proceeded to the village where Dr. Wickes made an examination of the woman's injuries and found them to be trivial, the shot having barely gone through the skin. Nevertheless the conduct of the villagers was extremely threatening and at first all overtures for a peaceful settlement were rejected.

This

This continued to be the condition until shortly after noon when the Admiral sent word to the head man of the village that he demanded the release of his son and the restoration of their guns and if these requests were not complied with he would land a party of men and go to the village and rescue Lieutenant Train. The villagers paid no attention at first to this message but finally agreed to consider the question and shortly afterwards expressed their willingness to close the incident upon the receipt of the payment of a small sum of money. Mr. Langley, who had remained with Lieutenant Train all this time, speedily discovered that they were not sincere and that trouble was brewing, and there being no definite action, it was agreed to await the arrival of the party from the ships. Admiral Train landed a force of about forty sailors under command of Lieutenant Commander Roger Welles, but directed that the men should be kept at the beach until further parley was made. It becoming apparent to Mr. Langley that no agreement could be reached at present, he with Captain Fletcher, Lieutenant Train and the Orderly started in retreat for the beach and were immediately pursued by the mob which was led by a brother-in-law of the injured woman. The Chinese were armed with pitch forks, fish spears and other dangerous weapons, and speedily overtook the retreating party. One man attempted to wound Captain Fletcher with a pitch fork whereupon Mr. Langley, who had fallen down, drew his revolver and fired, the bullet striking the Chinese in the wrist. At the same time another Chinese attempted to disable Mr. Langley with a barbed fish spear and was only prevented from doing so by reason of civilian clerk Richard Gray of the "General Alava", who had run from the beach to the rescue of the

party

party, shooting him, the first bullet taking effect in the left hip and the second in the right forearm, neither of the wounds, however, being fatal. The sailors hearing the shots immediately went forward to the scene and thereupon the Chinese rapidly retreated. None of the Americans were injured except in the way of bruises, several blows having been struck by the Chinese, The party went on board the ships which immediately left for Nganking where a full statement of the affair was made to the Governor, who at once apologized for the incident, sent men to secure the shot guns of Admiral Train and his son, and ordered the punishment of the ringleader, who was one of the wounded men. It was reported to Admiral Train by the Governor that the men were not dangerously wounded and upon payment being made of a sufficient sum to insure proper medical treatment, the Governor expressed himself as entirely satisfied and very sorry that such an unwarranted attack should have resulted from an accident.

The shooting byPilot Langley and Clerk Gray was entirely on the defensive and the prompt action of Mr. Langley saved Captain Fletcher from severe wounds, while that of Mr. Gray undoubtedly saved the life of Mr. Langley, as he was entirely at the mercy of his assailant who was using a weapon which would have had a deadly effect. Admiral Train took the statements of all connected with the affair.

This incident was not reported in Shanghai or elsewhere until October 30th and upon hearing of it, I started an immediate investigation to substantiate the truth of a newspaper report, but was unable to get much satisfaction and consequently awaited the arrival of the party, having been telegraphed that they were nearing Shanghai. The Chinese locally have not expressed any un-

favorable

Dept.#61--d.

favorable opinion about the matter although several of the papers have mentioned it. I called upon the Shanghai Taot'ai on October 30, and explained the affair to him as well as I was able at that time. He expressed himself as entirely satisfied that the injury to the Chinese woman was the result of an accident and said that he would make due explanation to the Chinese if necessity arose.

I have the honor to be,

Sir,

Your obedient servant,

Jas. S. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

CONSULAR BUREAU
DEC
12
1905
DEPARTMENT OF STATE

CONSULAR BUREAU,
NOTED.

3rd ASST. SECRETARY.
DEC 9 1905

No. #

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, November 3rd, 1905 .

CHIEF CLERK
DEC
8
1905
DEPARTMENT
OF STATE.

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

Ans by form
Fanny 2/06

SUBJECT:

Marriage

ABSTRACT OF CONTENTS:

Transmitting certificate of marriage issued to Geo. Collinwood & Fanny Abramo.

CONSULAR BUREAU.
NOTED.

No. 4

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, November 3rd , 1905 .

THE HONORABLE Francis B. Loomis,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to transmit herewith certificate of marraige issued to George Collinwood and Fanny Abramo.

I have the honor to be,

Sir,

Your obedient servant,

Jas. L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

Enclosure; 1 certificate of marriage.

Form No. 87.

CERTIFICATE OF MARRIAGE

Consular Office of the United States of America

SHANGHAI, CHINA Oct 30th 1905

I, James L. Rodgers Consul-General of the United States at Shanghai, China, do hereby certify that, on this 30th day of October A.D., 1905, at American Consulate Genral, in the city of Shanghai, George Collinwood, aged 37 years, born in New Orleans, La and now residing in Shanghai, and Fanny Abrams, aged 20 years born in Roumania, and now residing in Shanghai, were United in Marriage before me, and in my presence, by Rev. C. E. Darwent, who is authorized by the laws of Great Britain to perform such a ceremony.

In Witness Whereof I have hereunto subscribed my name and affixed the seal of my office at Shanghai, China, this Oct 30th day of _____, A. D., 1905, and of the Independence of the United States the 130th

[L. S.]

James L. Rodgers
Consul-General of the United States of America.

Fee one dollar. To be issued in duplicate.

CHIEF CLERK
DEC
3
DEPARTMENT
OF STATE

CONSULAR BUREAU DEC 21 1905 DEPARTMENT OF STATE

DEC 2 DEPT. OF STATE

3rd ASST. SECRETARY. DEC 9 1905

No. 62.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, November 4th , 1905.

CHIEF CLERK DEC 8 1905 DEPARTMENT OF STATE.

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

GENERAL BUREAU DEC 14 1905 DEPARTMENT OF STATE

Copy by steamer Dec. 14/05

SUBJECT:

re the International Peace protocol installment for the 10th month.

To Treas.

ABSTRACT OF CONTENTS:

INDEX BUREAU DEC 7 1905 FILED

No. 62.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, November 4th , 1905 .

THE HONORABLE Francis B. Loomis,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to inform you that the Shanghai Customs Taot'ai, by letter of October 21st, 1905, states he will remit to the Treasury of the United States the sum of $89400.00, being the International Peace protocol installment and interest for the tenth month of this year. The International Banking Corporation of this city informs me that the remittance has been made.

I have the honor to be,

Sir,

Your obedient servant,

Jas. L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

C

CHIEF CLERK
DEC
DEPARTMENT
OF STATE

RECEIVED
DEC 8 1905
BUR. ACCOUNTS DEP. OF STATE.

No. 63

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA? November 4th , 1905.

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

Accounts to cover
Approved for settlement
January 3-1906
Letter to Auds. regarding same by
Bu of Accts Jan 11-06

SUBJECT:

Accounts of Messrs Goodnow and Derby.

ABSTRACT OF CONTENTS:

Enclosing accounts for transfer of prisoners to California and giving explanation of Mr. Derby as to lack of certain supporting vouchers.

File

INDEX BUREAU
DEC 12 1905
FILED

No. 63.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, November 4th , 1905 .

THE HONORABLE Francis B. Loomis,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor in reply to the Department's unnumbered dispatch of June 22, 1905, in relation to missing accounts for certain expense of Mr. Goodnow, Consul General and Mr.Derby,, Marshal of the Consular Court, incurred in the transportation of prisoners from Shanghai to prison at San Quentin, California, to enclose the statements, with vouchers supporting, prepared by Messrs Goodnow and Derby.

I am requested by Mr. Derby to state that Mr. Jacott, who took the prisoners over, did not render an account or furnish receipts but that the sum of $125.00 gold paid to him for services was by agreement and that the balance was used by him for expenses en route. Mr. Derby states that at this time Mr. Jacott being in America he cannot suppy more information.

These statements would, as has been explained previously, been forwarded sooner had Messrs Goodnow and Derby not been in Japan.

I have the honor to be,

Sir,

Your obedient servant,

Jas. L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

INDEX BUREAU
RECD.
DEC 11 1905
DEPT OF STATE

No. 64.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, November 9th , 1905.

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

CHIEF CLERK
DEC
12
1905
DEPARTMENT
OF STATE.

Dec 28 '05

SUBJECT:

Salary of Interpreter.

ABSTRACT OF CONTENTS:

Reporting upon understanding as to Dr. Barchet's leave; the extra work assumed by Mr. Arnold; requesting special consideration of the matter and asking to be advised by telegraph as to Mr. Arnold's salary status.

INDEX BUREAU
DEC 29 1905
FILED

No. 64.

AMERICAN CONSULATE-GENERAL,

SHANGHAI? CHINA, November 9th , 190 5.

THE HONORABLE Francis B. Loomis,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to acknowledge receipt of the Department's No. 10 of September 23rd, in relation to the status of Dr. S. P. Barchet and Mr. Julean H. Arnold, Interpreters of this Consulate General. In reply I beg respectfully to state as follows:

Upon my arrival at this post May 19th, 1905, I found Dr. Barchet preparing to leave for America, the understanding being that he would not return on account of his health. I was not consulted about his leave, it having been arranged by my predecessor Mr. J. W. Davidson, Vice Consul General in Charge. When Dr. Barchet left on June 24th, 1905, his salary was drawn in full to that date. For a considerable period prior to his departure Mr. Arnold practically had been performing the duties of Chief Interpreter, Dr. Barchet being engaged upon some private work, and upon being informed of this and knowing that the salary of a student interpreter would go a very little way in Shanghai, I asked for authority to pay Mr. Arnold the Interpreter's salary at the rate of $1600 per annum. I had been told that Dr. Barchet did not expect to draw his salary, and I could find no provision of law allowing him to do so. Furthermore no information that he was to draw his salary has been given me.

Recently

Recently I received from Dr. Barchet a request for an extension of his leave of absence from Sept. 24th to Dec. 24th, which, under the impression that he was drawing no salary, I readily acquiesced in, and so stated to the Department in my despatch No. 57. However believing that Dr. Barchet does not intend to return to China, I desire a determination on that point as soon as possible, and in event of his resignation, I beg to renew my request for the appointment of Mr. Arnold. In view of all the conditions I hope the Department will honor the draft for the quarterly Interpreter's salary which was drawn by Mr. Arnold on October 1st. I respectfully request that consideration be given to the fact that Mr. Arnold, who has an excellent record in all ways, has virtually been Interpreter since the early Spring, and that he certainly should be compensated for the extra work he has performed.

I will write Dr. Barchet by this mail and ask him to inform the Department definitely and at once whether he expects to resume the duties of Interpreter. Upon receipt of this I trust the Department will telegraph me as to the salary status of Mr. Arnold, so I can avoid any confusion in my quarterly accounts. I will await the Department's instructions as to the draft for the September quarter.

My action in this matter has only been inspired by the desire to obtain a fair compensation for a capable man, and I regret the confusion caused primarily by lack of knowledge of Dr. Barchet's intention.

I have the honor to be, Sir,

Your obedient servant,

Jas. L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

Recently I received from Dr. Herbst a re-
quest for an extension of his leave of absence from Sept.
30th to Dec. 30th, which, under the impression that he
was drawing no salary, I readily acquiesced in, and so
stated to the Department in my cablegram No. 87. However
believing that Dr. Herbst does not intend to return to
China, I desire a determination on that point as soon as
possible, and in event of his resignation, I beg to renew
my request for the appointment of Mr. Arnold, ... In view
of all the conditions I have the honor to submit with Secre-
tary's draft for the quarterly Interpreter's salary which
was drawn by Mr. Arnold on October 1st. I respectfully
request that consideration be given to the fact that Mr.
Arnold, who has an excellent record in all ways, has
virtually been Interpreter since the early Spring, and
that he certainly should be compensated for the extra
work he has performed.

I will write Dr. Herbst by this mail and
ask him to inform the Department definitely and at once
whether he expects to resume the duties of Interpreter.
Upon receipt of this I trust the Department will telegraph
me as to the salary status of Mr. Arnold, so I can avoid
any confusion in my quarterly accounts. I will await
the Department's instructions as to the draft for the
fourth quarter.

My motion to this matter has only been
inspired by the desire to obtain a fair compensation for
a capable man, and I regret the confusion caused primarily
by lack of knowledge of Dr. Herbst's intention.

I have the honor to be, Sir,

Your obedient servant,

AMERICAN CONSUL GENERAL.

BUREAU OF FOREIGN COMMERCE
3rd ASST. SECRETARY. DEC 14 1905

No. 65.

File

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, November 9th , 1905.

CHIEF CLERK DEC 14 1905 DEPARTMENT OF STATE.

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

BUREAU OF TRADE RELATIONS RECEIVED DEC 28 1905 DEPARTMENT OF STATE

SUBJECT:

Dept. circular relating to Trade Report.

ABSTRACT OF CONTENTS:

Reporting that Mr. Burrill has probably covered requirement. Also that work of this Consulate General is so heavy that it is hard to find time to make trade reports.

No. 65.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, November 9th , 1905.

THE HONORABLE Francis B. Loomis,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to acknowledge receipt of the Department's circular of August 31, 1905, instructing consular officers to prepare and forward to the Bureau of Trade Relations of the State Department a report in duplicate of the commerce and industries of their respective consular districts, covering any facts and figures for the year 1904 not already transmitted to the Department, and as complete and accurate a statement as may be obtained of the trade and industries for the six months ending June 30, 1905.

In reply thereto I beg to state that I am informed by Mr. H. R. Burrill, Special Agent of the Department of Commerce and Labor, that his reports upon Shanghai and the outport country surrounding cover the requirements set forth in the circular and that any matter I might send would, in all probability, be somewhat in duplication. However, I will go over the subject carefully with Mr. Burrill and if I find anything further to send will endeavor to do so.

In this connection I beg to call the attention of the Department to the fact that on account of the large amount of work of various kinds devolving upon me, it has been almost an impossibility to devote any time to trade reports. The duties of Consul General

in

AMERICAN CONSULATE-GENERAL,

SMARDAM, SYRIA, November 7th, 1903.

The HONORABLE Francis B. Loomis,

The ASSISTANT SECRETARY OF STATE,

Washington, D. C.

Sir:

I have the honor to acknowledge receipt of the Department's circular of August 21, 1903, inviting consular officers to prepare and forward to the Bureau of Trade Relations of the State Department a report in detail of the accounts and industries of their respective consular districts, covering any facts and figures for the year 1902 not already transmitted to the Department, and to complete and complete a statement as may be obtained of the trade and industries for the six months ending June 30, 1903.

In reply thereto I beg to state that I am informed by Lt. H. Farrell, Special Agent of the Department of Commerce and Labor, that his reports upon Smardam and the entire country surrounding have been transmitted and the original data relative to the silver and lead ore mines I might send would, in all probability, be superfluous and of little value. However, I will go over the subject carefully when the Monthly and if I find anything further to send will endeavor to do so.

In this connection I beg to call the attention of the Department to the fact that on account of the large amount of work of various kinds devolving upon me, it has been almost an impossibility to devote the time to study requisite to the duties of Consul General

in Shanghai are exceptionally heavy, owing to the peculiar conditions obtaining; the work of the Court is constant and requires close application; the probate functions also demand considerable attention; and in addition, I have the Postal Agency which necessitates steady service. There are many other duties not to be classified under these heads which I have to perform, and as a general result it is almost impossible to give attention to matters like that called for in the circular before me. I make this statement frankly and can only say that I will give to such instructions of the Department my earnest attention with the hope that I may be able to comply. I may say in addition that each employee of this Consulat establishment is kept exceedingly busy and that an ample amount of work could be found for many more men.

I am addressing a duplicate of this dispatch to the Chief of the Bureau of Trade Relations as per instructions.

I have the honor to be,

Sir,

Your obedient servant,

Jas. L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

MAIL & FILE DIV. NOV 10 1905 DEPT. OF STATE

TELEGRAM RECEIVED IN CIPHER.

Secretary of State. NOV 10 1905

BUREAU OF APPOINTMENTS NOV 10 1905 Department of State.

From Shanghai,

November 10, 1905,

Received 9.30 a.m.

T. C'd by Telegraph Nov. 10/05.

Secretary of State,

Washington.

Special Agent of the Department of Commerce and Labor (in) hospital - congestion brain overwork. No danger immediate.

RODGERS.

INDEX BUREAU NOV 13 1905 FILED

Ciphered by C.R.D.

Bureau of Appointments.

TELEGRAM RECEIVED IN CIPHER.

From

Deciphered by

Bureau of Appointments.

INDEX BUREAU DEC 11 1905 DEPARTMENT OF STATE

3rd ASST. SECRETARY. DEC 15 1905

No. 66

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, November 11th, 1905.

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

CHIEF CLERK DEC 14 1905 DEPARTMENT OF STATE.

Ans'd by form Dec 19/05

SUBJECT:

~~Loss~~ reporting re the Census of Shanghai ~~Foreign Population~~

ABSTRACT OF CONTENTS:

Reporting result of recent census of foreigners of Shanghai, exclusive of those in the French Settlement.

INDEX BUREAU DEC 19 1905 FILED

No. 56.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, November 11th , 1905 .

THE HONORABLE Francis B. Loomis,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to communicate the result of the Shanghai foreign population census, exclusive of the French Settlement, taken October 14th.

NATIONALITY.	GRAND TOTAL.					AGAINST GRAND TOTALS FOR:				
	ADULTS.		CHILDREN.		TOTAL.	1900.	1895.	1890.	1885.	1880.
	M.	F.	M.	F.						
BRITISH	1,702	1,102	459	450	3,713	2,691	1,936	1,574	1,453	1,057
JAPANESE	1,153	724	160	120	2,157	736	250	386	595	168
PORTUGUESE	427	389	251	262	1,329	978	731	564	457	285
AMERICAN	461	317	107	106	991	562	328	323	274	230
GERMAN	445	184	69	87	785	525	314	244	216	159
FRENCH	197	126	30	40	393	176	138	114	66	41
RUSSIAN	164	86	45	59	354	47	28	7	5	3
AUSTRO-HUNGARIAN	75	59	15	9	158	83	39	38	44	31
ITALIAN	77	42	11	18	148	60	83	22	31	9
SPANISH	64	51	17	14	146	111	154	229	232	76
DANISH	77	26	9	9	121	76	86	69	51	32
NORWEGIAN	71	16	3	3	93	45	35	23	9	10
SWEDISH	38	18	12	12	80	63	46	28	27	12
SWISS	48	16	6	10	80	37	16	22	17	13
DUTCH	36	11	1	10	58	40	15	26	21	5
BELGIAN	27	12	7	2	48	22	21	6	7	1
GREEK	29	1	2	...	32	6	7	5	9	4
TURKISH	16	9	...	1	26	41	32	18	4	...
ROUMANIAN	8	4	...	...	12	...	...	...	...	...
BRAZILIAN	3	3	2	...	8	3	...	2	4	...
VENEZUELAN	1	2	2	2	7	...	...	...	...	...
INDIAN	510	27	19	12	568	296	119	89	58	4
MALAY, &c.	89	42	25	15	171	157	32	28	89	56
COREAN	3	2	2	1	8	8	1	...	1	...
PERSIAN	3	1	1	1	6	2	4	1	1	...
SUNDRY	2	...	1	...	3	9	9 *260	3	2	1
TOTALS	5,728	3,270	1,256	1,243	11,497	6,774	4,684	3,821	3,673	2,194

It will be observed how rapidly the International Settlement is growing, and especially in the representation of Japanese, which is a matter of the greatest interest to all Europeans and Americans. The great surprise is in the German population which was estimated

estimated much higher by everybody.

The approximate percentages of increase, 1900-05 of the leading nations are as follows: British 38; Japanese 109; Portuguese 36; American 76 and German 49.

In the French Settlement are many of all nationalities, and although no census has been taken recently it is conservative to state that the census result given above would have been increased at least 1000 if that district had been included. The majority of the residents in the Concession however are French and the next nationality is unquestionably American.

The municipal authorities estimate that the International Settlement contains 500000 Chinese, the French Settlement 200000, and the native city 250000, making the total estimated Chinese population of Shanghai 950000. However these estimates are admittedly liberal and it is therefore probable that the true population is approximately 850000. A census of the Chinese of Shanghai would be practically impossible on account of so large numbers having no fixed place of abode.

The prediction is made on all sides that in one year the Japanese of Shanghai will outnumber any other nationality.

I have the honor to be,

Sir,

Your obedient servant,

Jas. L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

SHANGHAI, CHINA, November 11th 5

Francis E. Loomis,

I have the honor to communicate the result of the Shanghai foreign population census, exclusive of the French Settlement, taken October 14th.

NATIONALITY.	GRAND TOTAL.					AGAINST GRAND TOTALS FOR:				
	ADULTS.		CHILDREN.		TOTAL.	1900.	1895.	1890.	1885.	1880.
	M.	F.	M.	F.						
BRITISH	1,702	1,102	459	450	3,713	2,691	1,936	1,574	1,453	1,057
JAPANESE	1,153	724	160	120	2,157	736	250	386	595	168
PORTUGUESE	427	389	251	262	1,329	978	731	564	457	285
AMERICAN	461	317	107	106	991	562	328	323	274	230
GERMAN	445	184	69	87	785	525	314	244	216	159
FRENCH	197	126	30	40	393	176	138	114	66	41
RUSSIAN	164	86	45	59	354	47	28	7	5	3
AUSTRO-HUNGARIAN	75	59	15	9	158	83	39	38	44	31
ITALIAN	77	42	11	18	148	60	83	22	31	9
SPANISH	64	51	17	14	146	111	154	229	232	76
DANISH	77	26	9	9	121	76	86	69	51	32
NORWEGIAN	71	16	3	3	93	45	35	23	9	10
SWEDISH	38	18	12	12	80	63	46	28	27	12
SWISS	48	16	6	10	80	37	16	22	17	13
DUTCH	36	11	1	10	58	40	15	26	21	5
BELGIAN	27	12	7	2	48	22	21	6	7	1
GREEK	29	1	2	...	32	6	7	5	9	4
TURKISH	16	9	...	1	26	41	32	18	4	...
ROUMANIAN	8	4	...	...	12	...	...	...	...	...
BRAZILIAN	3	3	2	...	8	3	...	2	4	...
VENEZUELAN	1	2	2	2	7	...	...	...	...	...
INDIAN	510	27	19	12	568	296	119	89	58	4
MALAY, &c.	89	42	25	15	171	157	32	28	89	56
COREAN	3	2	2	1	8	8	1	...	1	...
PERSIAN	3	1	1	1	6	2	4	1	1	...
SUNDRY	2	...	1	...	3	9	9 *260	3	2	1
TOTALS	5,728	3,270	1,256	1,243	11,497	6,774	4,684	3,821	3,673	2,194

It will be observed how rapidly the International Settlement is growing, and especially in the representation of Japanese, which is a matter of the greatest interest to all Europeans and Americans. The great surprise is in the German population which was

estimated

SHANGHAI, CHINA, November 11th 8

Francis P. Loomis,

I have the honor to communicate the result of the Shanghai foreign population census, exclusive of the French Settlement, taken October 14th.

It will be observed how rapidly the International Settlement is growing, and especially in the representation of Japanese, which is a matter of the greatest interest to all Europeans and Americans. The great surprise is in the German population which was estimated

estimated much higher by everybody.

The approximate percentages of increase, 1900-05, of the leading nations are as follows: British 38; Japanese 109; Portuguese 36; American 76 and German 49.

In the French Settlement are many of all nationalities, and although no census has been taken recently it is conservative to state that the census result given above would have been increased at least 1000 if that district had been included. The majority of the residents in the Concession however are French and the next nationality is unquestionably American.

The municipal authorities estimate that the International Settlement contains 500000 Chinese, the French Settlement 200000, and the native city 250000, making the total estimated Chinese population of Shanghai 950000. However these estimates are admittedly liberal and it is therefore probable that the true population is approximately 850000. A census of the Chinese of Shanghai would be practically impossible on account of so large numbers having no fixed place of abode.

The prediction is made on all sides that in one year the Japanese of Shanghai will outnumber any other nationality.

I have the honor to be,

Sir,

Your obedient servant,

John L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

estimated much higher by everybody.

The approximate percentages of increase [illegible]
of the leading nations are as follows: British 39;
Japanese 109; Portuguese 38; American 76 and German 49.

In the French Settlement are many of all nationalities, and although no census has been taken recently it is conservative to state that the census result given above would have been increased at least 1000 if that district had been included. The majority of the residents in the Concession however are French and the next nationality is unquestionably American.

The municipal authorities estimate that the International Settlement contains 500000 Chinese, the French Settlement 80000, and the native city 280000, making the total estimated Chinese population of Shanghai 860000. However these estimates are admittedly liberal and it is therefore probable that the true population is approximately 800000. A census of the Chinese of Shanghai would be practically impossible on account of so large numbers having no fixed place of abode.

The prediction is made on all sides that in one year the Japanese of Shanghai will outnumber any other nationality.

I have the honor to be,

Sir,

Your obedient servant,

AMERICAN CONSUL GENERAL.

Y.C.

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3rd ASST. SECRETARY. DEC 15 1905

No. 67.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, Nov. 11th , 1905 .

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

CHIEF CLERK DEC 14 1905 DEPARTMENT OF STATE.

Authority J C & L Dec 16/05

SUBJECT: re the Illness of Mr. H. R. Burrill, Special Agent of the Dept of C. & L. to Secy of C & L.

ABSTRACT OF CONTENTS:

Explanating necessity for telegram relating to sudden illness of Mr. H. R. Burrill, Special Agent of Department of Commerce & Labor.

INDEX BUREAU DEC 21 1905 FILED

No. 67.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, November 11th , 1905.

THE HONORABLE Francis B. Loomis,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to state in explanation of my telegram concerning Mr. H. R. Burrill, Special Agent of the Department of Commerce and Labor, who has been in China since early August and has made Shanghai his headquarters, that he became very ill on the 8th inst., and on the 10th was removed to the Victoria Nursing Home, his ailment having been diagnosed as congestion of the brain. His physician reports that there is no immediate danger, but that the result of the disease cannot be determined for some days. It is indicated however that Mr. Burrill will make a good recovery.

Mr. Burrill has been working very hard on his reports and the labor incident thereto has been greatly increased by the difficulty in obtaining the statistical information necessary. The impediments thrown in his way by Chinese methods and business procedure here generally have worried him greatly and have undoubtedly contributed largely to his break down.

I ask that this information which is given entirely without the knowledge of Mr. Burrill be communicated to the Department of Commerce and Labor,

and

and also a statement of my high appreciation of Mr. Burrill's character and ability. I will later advise his condition by telegraph.

I have the honor to be,

Sir,

Your obedient servant,

Jas. L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

Secretary of State,
NOV 15 1905

TELEGRAM RECEIVED IN CIPHER.

BUREAU OF APPOINTMENTS
NOV 15 1905
Department of State.

From Shanghai,

November 15, 1905,

Received 7.30 a.m.

Secretary of State,

Washington.

Burrill, Commercial Agent, is better. Physician says there is danger relapse under a resumption of work.

RODGERS.

INDEX BUREAU
NOV 17 1905
FILED

Deciphered by S.H.Q.

CONSULAR BUREAU
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DEPARTMENT OF STATE

No. 68

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, November 15th , 190 5.

CHIEF CLERK
DEC 14
DEPARTMENT OF STATE.

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

SUBJECT:

re the Suicide of Feng Hsia-Wei alias Fernando Ruiz.

ABSTRACT OF CONTENTS:

Reporting on mass meeting at Canton concerning the death of Feng Hsia-Wei and giving statement of fact as to his death in Shanghai in July 1905.

INDEX BUREAU
JAN 5
FILED

CONSULAR BUREAU
NOTED.

No. 68.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, November 15th , 1905.

THE HONORABLE Francis B. Loomis,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor in connection with the boycott agitation, which has been, and is, so pronounced of late in Canton, to report the following:

The news reached Shanghai a few days ago that a great mass meeting had been held in Canton recently for the purpose of honoring the heroism and virtues of one Feng Hsia-Wei or Feng A-Wei, a Chinese who, as reported, had died in Shanghai for the benefit of his country, it being stated that he committed suicide in the American Consulate General here, thus showing his patriotism in the boycott cause. It is reported from Canton that tremenduous excitement was caused by this meeting, that the news of it was sent broadcast throughout the southern provinces, and that the name of this Chinese will hereafter be held sacred on account of his great sacrifice. In view of all this, , I feel it proper to offer the facts in order that the Department may be advised in event of an incorrect report reaching Washington.

On the afternoon of the 16th of July, 1905, there appeared before the United States Consulate in Whangpoo Road, Shanghai, a man who took a position on the opposite side of the street and there, after a

short

short time, was seen to drink from a bottle. He immediately fell and some of the men of the Consulate, who happened to be within the building, observing him, carried him to the shade and sent for a physician who immediately diagnosed the case as that of corrosive poisoning, the substance taken being muriatic acid. The man was identified as a Japanese by several bystanders, and accordingly was removed to the Japanese Consulate, but there being doubt as to his nativity, he was sent to the General Hospital, it being believed at that time that he would survive. While at the hospital he recovered sufficiently to converse with a priest in Spanish, gave his age as twenty-four, his occupation that of a sailor, his nationality, a Filipino, and his name, Fernando Ruiz. During the morning of July 17, he died, and upon the death being reported to me, I immediately sent a number of Filipinos to the hospital to see if the man was a friend of theirs. No one recognized him but all asserted that he was of Philippine nativity, and, as a consequence, I ordered his burial and paid for the same out of private funds. This death was reported to the Department in accordance with Form 192 on July 25, 1905.

Nothing more was heard about the matter until the 5th of August, when I received a note from the Shanghai Taot'ai stating that he had received a petition from one Liang Tu of Hsiang San Hsien about Feng Hsia-Wei, a relative, a native of Ning Hai, who had then traveled and studied in America, leaving San Francisco for China on the 15th day of March, 1905, and alleging that the said Feng Hsia-Wei was the man who had taken poison in front of the American Consulate General on the 16th of July . The Taot'ai having been petitioned by this relative

tive for the disinterment of the body in order that it might be reinterred at home, I was asked for a statement of the case and for permission to remove the body, it having been buried in the foreign cemetery on Bubbling Well Road. Although this request was a matter of great surprise to us, I immediately obtained the necessary permit and had the body turned over to the claimants, together with the papers which consisted of an unimportant memorandum and a slip upon which was written that he was glad to die for his country.

I can not find that the Department has been advised of the fact that Fernando Ruiz was apparently not a Filipino, and for that reason and in order that a true history of the case may be written so far as it concerns this Consulate, I send this. To the best of my knowledge and belief, every effort was made to identify the man, and we had no intimation of his being a Chinese until the information given above arrived. I may state that subsequent to the disinterment several of the rabid Chinese newspapers of this city referred to the suicide as "the one who was murdered by the American Consul General". As suicide is a very common procedure among the Chinese when they desire to show their loyalty or to enforce a grievance against an enemy, no further attention was paid to the case and it has remained quiescent until the recent revival at Canton.

I have the honor to be,

Sir,

Your obedient servant,

Jas. L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

-2-

time for the disinterment of the body to arrive that it might be reinterred at home. I was asked for a certificate of the cause and for permission to remove the body. It having been buried in the Foreign cemetery and Protestant Hall Road. Although this request was a matter of great surprise to me, I immediately obtained the necessary permit and had the body turned over to the undertaker, together with the papers which consisted of an ante-mortem memorandum and a slip upon which was written that he was glad to die for his country.

I can not find that the Department has been advised of the fact that Fernando Dois was apparently not a Filipino, and for that reason and in order that a true history of the case may be written so far as I can concerne this Consulate, I send this. To the best of my knowledge and belief, every effort was made to identify the man, and no hint or intimation of his being a Chinese until the information given above arrived. I may state that subsequent to the disinterment several of the rabid Chinese newspapers of this city, referred to the suicide as "the one who was murdered by the American Consul General". As suicide is a very common procedure among the Chinese when they desire to show their loyalty or to enforce a grievance against an enemy, no further attention was paid to the case and it has remained quiescent until the recent revival at Canton.

I have the honor to be,

Sir,

Your obedient servant,

J.W.

Shanghai.

3rd ASST. SECRETARY.
NOV 16 1905

RECEIVED
NOV 16 1905
DEPT. OF STATE

M.F.D.No.1,Box 10,
Annapolis,Maryland.

November 16th,1906.

To

Hon.D.H.Peirce,

Third Asst.Secretary of State,

Washington,D.C.

Sir,-

After arriving in the United States I wrote to Consul General Rodgers,- copy of which letter I enclose,- asking for extension of leave,as I was not strong enough to return to Shanghai at once. Not having received a reply from Mr.Rodgers,I beg to enquire if he has sent any communication on the subject to the Department; and respectfully ask you to let me know whether the extension of leave desired is granted.

Subjoined copy of a letter from the Smithsonian Institution will shew that whilst taking necessary rest and change I am making use of the time to work at my collection of Chinese plants which I promised to present to that Institution.

I have the honor to be,Sir,

Your obedient servant,

Stephen P. Barchet

Enclosures,-

1 copy of letter to Consul General Rodgers.

1 copy of letter from Smithsonian Inst.

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DEC 22 1906
FILED

Annapolis. Md.
Sept 6th 1905

Hon J. L. Rodgers
American Consul General
Shanghai.

Sir

I beg to apply for an extension of my furlough from Sept 24th to Dec 24th 1905.

The reason for asking this is my state of health which absolutely demands change of rest. Having worked in the Consulate as Interpreter for seven consecutive years without leave of absence.

You will, I trust, grant me the extension asked for.

I have the honor to be
Sir
Your obedient servant
S. P. Barchet

COPY OF LETTER FROM SMITHSONIAN INSTITUTION&

Smithsonian Institution,
Washington,D.C.
November 9,1905.

Dear Sir:

Mr.Frederick V.Coville has brought to my attention your letter of October 10th,in which you offer to present to the Smithsonian Institution your collection of Chinese plants. I am authorized by the Secretary to accept the proffered gift,and to thank you for your courtesy.

Upon its receipt the collection will be recorded on the Museum books in your name,and will be incorporated with the National Herbarium.

Assuring you that the goodwill which has prompted this generous action on your part is deeply appreciated,

I am,

Yours very respectfully,

R.Rathbun,
Assistant Secretary.

Mr.Stephen P.Barchet,
R.F.D.No.1,
Annapolis,Maryland.

DIPLOMATIC RECORDS
DEC 14 1905
JAN 2 1906
DEPARTMENT OF STATE
3rd ASST. SECRETARY.
DEC 15 1905

No. 69

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, November 15th , 1905 .

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

CHIEF CLERK
DEC
14
1905
DEPARTMENT
OF STATE.

COPIES MADE.

SUBJECT:

Letter of American Association of China.

ABSTRACT OF CONTENTS:

Statement as to conditions reported by letter of American Association of China in relation to the boycott, with reference to supposed anti-foreign feeling prevalent.

re the anti-foreign feeling existing in China.

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FEB 17 1906
FILED

No. 69.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, November 15th, 1905.

THE HONORABLE Francis B. Loomis,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to transmit herewith a copy of a letter addressed to me by the Executive Committee of the American Association of China in relation to the present aspect of the boycott and their views in general upon the situation. A copy has already been transmitted to the Minister in Peking.

While a great deal of that set forth in this letter is distinctly true, there is also a great deal of it which, in my opinion, is theoretical and speculative to a considerable degree. It is a fact that the trade in American goods for places in central and southern China is suffering, but that condition also confronts merchants of other nationalities, all commerce at the present time being curtailed. As explained in a previous despatch, the close of the northern markets naturally made merchants endeavor to place their products in regions not affected by the war, and the result, according to unprejudiced testimony, is an overstocked market. It is to be admitted also that the boycott is still on in some places but it can not be contended that it exists in any volume in Shanghai. The students are still talking, making fiery speeches, and endeavoring to stir up trouble, but the back-bone of the boycott is broken and it will

be

be hard to create an organization approximating the strength of that in the first instance. There is no posting of placards or open antagonism to Americans in Shanghai although the Chinese newspapers daily contain unfriendly utterances and are endeavoring thereby to keep the boycott matter before the people. In respect to the statement concerning the merchants, I am in full accord with the opinion of the American Association, knowing absolutely that they are heartily sick of the boycott and want nothing more to do with it or with those who inspired it. In addition to that knowledge it can be stated positively that the leader of the boycott, Tseng Shao-Ching, is reluctant to appear again in as prominent a light as he was three months ago and that he is now advising absolute suspension of action until the treaty matter is settled. As a general proposition, however, I fully agree with all that the American Association says in relation to the attitude of the students and of the reform class generally. Their position is vicious in the extreme and it will take but very little to make them step over the bounds in the future. But, in saying this, I do not concede that the boycott as it was expressed in the beginning and as it developed, exists to any degree in Shanghai or the outports at present.] stop

However, there may be a condition quite as serious, and perhaps more so, developing. There is ample evidence on all sides that anti-foreign feeling is getting stronger each day. It is expressed in the attitude of the officials from the Viceroy of these provinces down. Heretofore there has been no question of the right of Americans to trade at treaty ports; to own land there; and to live there. Now apparently,

such

such right is being questioned daily. There are cases of this kind at Nanking, Chinkiang, Huchow and at various other places in the Yangtse valley and in the delta country. In this Consulate General at the present time are pending a great many land cases which apparently cannot be settled with the Chinese, and in almost every instance the matters involve an absolute repudiation of contract agreements by the Chinese. In cases involving suits between Chinese and foreigners the condition of antagonism is becoming marked; in towns far up the Yangtse valley, like Changsha and Chenchou in Hunan, rumors of anti-foreign feeling are prevalent; in the outports near to Shanghai the same feeling of antagonism is reported by all foreigners. It may be stated broadly that there is anti-foreign agitation going on everywhere but whether it will amount to anything, and whether it is to be taken very seriously, are questions which only the future can determine.

In a letter from Hankow a conservative man writes as follows: "The whole condition is daily leading to a more serious affair than a boycott. While boycott is the word used for the present unrest, I am strongly inclined to believe that there is something back of it which the Chinese officials themselves are loath to have the foreigners know. The many secret societies along the river are getting more active and more powerful, and at the present time anti-foreign pamphlets are being distributed constantly. One pamphlet, 'The Alarm Bell', is being very freely given out all along the river."

Statements similar to this could be collected from numerous sources, all of which are apparently entitled to respect. It is generally recognized that

internal

internal disturbances in China are imminent and are apt to exhibit themselves at any time. Those best informed say that at no time in the past have they seen the masses of the Chinese so given to comparative independence and belief in their own ability. Attention is called to the demand for the cancellation of foreign concessions; to the general attitude in matters with which foreigners heretofore would have had a part; and to various other evidences of a somewhat similar character. The movement is general and is being urged in every conceivable way.

Considering the general market conditions in connection with this anti-foreign feeling, it is not therefore a stretch of the imagination to say that it is not the continuation of the boycott. The boycott supplied the original motive, and is perhaps furnishing some of the fuel for the flame now, but other causes are at work, and while the Chinese of this region will remember that the treaty with America is pending and that their boycott is a powerful weapon, they will also consider that the general cause of awakening China is more important. The effect of the disturbance at Canton has hardly been observed here as the Chinese of this section have no sympathy with the coolie labor class and the merchants do not hesitate to say so.

The difficulty of dealing with the Chinese is becoming more pronounced each day, and under a still further development of these conditions, it will soon be almost an impossibility to accomplish anything in the way of direct business. It is far from a satisfactory outlook but is greatly to be hoped that the evidences are not as significant as they appear.

I have the honor to be, Sir,

Your obedient servant,

Jno. L. Rodgers

AMERICAN CONSUL GENERAL.

Dept. 893.4-

internal disturbances in China are imminent and are apt to exhibit themselves at any time. Those most interested say that at no time in the past have they seen the manner of the Chinese so given to comparative independence and belief in their own ability. Attention is called to the demand for the cancellation of foreign concessions, to the general attitude in matters with which Foreigners heretofore would have had a party, and to various other evidences of a somewhat similar character. The movement is general and is being urged in every conceivable way.

Considering the general market conditions in connection with this anti-foreign feeling, it is not therefore a matter of the imagination to say that it is not the continuation of the boycott. The boycott supplied the original motive, and is perhaps furnishing some of the fuel for the flame now, but other causes are at work, and while the Chinese of this region will remember that the treaty with America is pending and that their boycott is a powerful weapon, they will also consider that the general cause of weakening China is more important. The effect of the disturbance at Canton has hardly been observed here as the Chinese of this section have no sympathy with the coolie labor class and the merchants do not hesitate to say so.

The difficulty of dealing with the Chinese is becoming more pronounced each day, and under a still further development of these conditions, it will soon be almost an impossibility to accomplish anything in the way of direct business. It is the free & satisfactory outlook but is greatly to be hoped that the evidences are not as significant as they appear.

I have the honor to be, Sir,

Your obedient servant,

(C O P Y)

AMERICAN ASSOCIATION OF CHINA,

SHANGHAI, 7th November 1905.

To Hon. James L. Rodgers,

Consul General for the United States,

SHANGHAI.

Sir:-

The Executive Committee of the American Association of China have had in consideration the present aspect of the Boycott, and the views we have arrived at we desire to convey to you, and through you to our Minister in Peking. A copy of this letter will be sent to the American Association in New York to be forwarded to the Department of State.

From reports it would seem that the Boycott in Shanghai is not as active as it was a few months ago; but thus far there has been very little trade in American goods for places in Central and Southern China. A considerable amount of American goods has been sold, but the sale is almost exclusively to the Northern Ports, where the Boycott has been officially prohibited.

But beside the question as to the degree of the Boycott of American goods in Shanghai and elsewhere, we deem it important to emphasise the fact that the agitation has not ceased. There are some who think that it has not even diminished. Certainly the agitation shows a large degree of animosity to our country, and a determination to injure the good reputation which our country has had in the past and to minimise the friendly acts of our Government and people towards China.

The only difference in the agitation today and that of a few months ago, is that while at the outset it was carried on under the Leadership of the Chinese merchants, it is now being continued almost exclusively by the student class; and while perhaps many of the Chinese merchants in

Shanghai

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CRANE'S

Shanghai are disposed to resume trade with the United States, they are frequently intimidated by these very students. The Chinese press has almost daily references to meetings that are being held in Shanghai and other parts of China, with occasional articles discussing the question and urging that a strong attitude be maintained against the United States until some kind of justice is secured, implying certainly that the Americans have had no sense of justice at all. The students have educational associations in nearly every important city and they continue to meet together and pass resolutions condemnatory of our Government, and making excitable speeches in denunciation of nearly everything that the Americans have done. They ignore the edict that has been issued by the Throne, and seem determined to take things in their own hands, believing that they have better judgment than the officials in Peking. They are resolved to continue the agitation until a treaty is made that suits them, and they seem to ignore the fairness that has been shown in the consultation that is made on the part of the two Governments concerning a new and satisfactory treaty. A most surprising position was lately taken by the World's Students Chinese Federation, composed very largely of students who have studied in America, in which a telegram was sent to the Chinese Minister at Washington, saying that it was nonsense to talk of altering a treaty and recommending that past treaties with the United States be abrogated.

We are enclosing a few of the statements which have been made in the local vernacular press. These will indicate the trend of feeling among the young Chinese students.

We therefore venture to suggest that, as a means of checking the current irrational agitation, the Chinese Government be moved to issue, throughout the Empire, a strong edict, condemnatory of the continued dissemination of false

charges

charges against our people, and Government and forbidding under penalty, the diffusion of such charges through the vernacular press and by means of other publications. It may reasonably be urged that such literature partakes of a seditious nature as being calculated to undermine the friendly relations existing between the Governments of the two countries and their peoples, and expressly in defiance of the spirit of the existing treaties between them.

Our President and our Government have shewn great consideration for the wishes of the Chinese and a willingness to modify both the treaty and the existing regulations. And yet the Chinese are continuing to agitate, and no one seems to know what exactly they want. It is our belief that it would be questionable policy for a new treaty to be signed while the agitation is continuing and that this view be brought to the notice of the Chinese Government.

The Chinese would at once declare that they have <u>compelled</u> the United States to act justly, and that similar methods may well be employed in the future, whenever any international question needs to be settled. The Chinese have already stated that were it not for the Boycott the President would never have issued orders to treat with fairness the exempt classes coming to the United States.

The news now coming from South China tends to confirm the statements made in the public prints that the late deplorable massacre of American missionaries at Lienchow is directly the result of the ill-feeling engendered in the Kwang Tung province by the continued reckless boycott agitation.

Believing that these are fitting suggestions--suggestions which this Committee has been slow to make--and which are only made on information constantly received of the continuation of the agitation against Americans, and of the injury to the prestige of our Country.

I

charges against our people, and Government and forbidding under penalty, the diffusion of such charges through the vernacular press and by means of other publications. It may reasonably be urged that such literature partakes of a seditious nature as being calculated to undermine the friendly relations existing between the Governments of the two countries and their peoples, and expressly in defiance of the spirit of the existing treaties between them.

Our President and our Government have shown great consideration for the wishes of the Chinese and a willingness to modify both the treaty and the existing regulations, and yet the Chinese are continuing to agitate, and no one seems to know what exactly they want. It is our belief that it would be questionable policy for a new treaty to be signed while the agitation is continuing and that this view be brought to the notice of the Chinese Government.

The Chinese would at once declare that they have conceded the United States to act justly, and that similar methods may well be employed in the future, whenever any international question needs to be settled. The Chinese have already stated that were it not for the boycott the President would never have issued orders to treat with fairness the exempt classes coming to the United States.

The news now coming from South China tends to confirm the statements made in the public prints that the late deplorable massacre of American missionaries at Nanchow is directly the result of the ill-feeling engendered in the Hwang Tung provinces by the continued cruelties boycott agitation.

Believing that these are fitting suggestions--suggestions which this Committee has been slow to make--and which are only made or information constantly received of the continuation of the agitation against Americans, and of the injury to the prestige of our Country.

I have the honor to be,

Sir,

Your obedient servant,

(Sgd) Jas. H. Jameson,

President of the

American Association of China.

I have the honor to be,

Sir,

Your obedient servant,

(Sgd) Jas. F. Jameson.

President of the

American Association of China.

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3rd ASST. SECRETARY. DEC 15 1905

No. 70

Secretary of State. DEC 29 1905

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, November 16, , 1905 .

ASSISTANT SECRETARY. DEC 29 1905

CHIEF CLERK DEC 15 1905 DEPARTMENT OF STATE.

James L. Rodgers,

TO THE DEPARTMENT OF STATE.

Ans. by letter Jany 3/06

DEC 1905

SUBJECT:

Japanese in Yangtse valley.

ABSTRACT OF CONTENTS:

Reporting upon the large number of Japanese now engaging in business in Chinese cities.

in regard to the large number of Japanese entering China.

No. 70

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, November 16th , 1905.

THE HONORABLE Francis B. Loomis,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to report that all European and American merchants of Shanghai are constantly receiving statements from agents in the Yangtse valley and in the numerous cities adjacent to the effect that Japanese are establishing themselves in business and that every effort is being made to secure a firm foothold in trade. It is also said that in each Chinese city the Japanese colony is being augmented almost daily and that the new comers are entering Chinese schools, assisting on newspaper work, opening shops, participating in the carrying trade and in other ways engaging in the usual routine of Chinese life. The significance of this, according to common opinion, is that the campaign for commercial conquest is on by official direction, and that it will become more marked with each month.

There is evidence sufficient in Shanghai itself, for each steamship from Japan is landing a large number of Japanese immigrants, who are speedily absorbed by the already large Japanese population. The same rule is said to obtain at all the Chinese ports of entry. Up to this time no protest against this immigration has

come

Dept.#70--2.

come from any Chinese source.

I have the honor to be,

Sir,

Your obedient servant,

Jas. L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

DEC 11 1905
DEPT OF STATE

3rd ASST. SECRETARY.
DEC 15 1905

No. 71

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, November 17th , 1905.

MR. SECRETARY,
ASSISTANT
DEC 29 1905
Secretary

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

Secretary of State.
CHIEF CLERK
DEC 29
DEC 15
1905
DEPARTMENT
OF STATE.

SUBJECT:

re the Opening of the Shanghai-Nanking Railway.

Austin Jarman 3/16

ABSTRACT OF CONTENTS:

Reporting approaching opening of a section of the line, and the demands of the Chinese gentry of Kiangsu, that the concession should be cancelled and taken over from the English.

No. 71.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, November 17th , 1905.

THE HONORABLE Francis B. Loomis,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to report that on the 18th inst. the first section of the railway, which will eventually connect the city of Shanghai with that of Nanking, will be formally opened. This section, which only runs to Nasiang, is of 10.70 miles in length, but the succeeding section to Wangdu is practically completed and will probably be opened for traffic by the first of the year.

The Shanghai and Nanking Railroad is being built by British capital under the superintendence of English engineers; the bonds have been sold in London and the profit sharing coupons of these bonds are now passing current as securities in China. It is therefore significant that even in advance of the opening of this railroad the Chinese gentry of this province of Kiangsu, together with Chinese officials resident in Shanghai, are already beginning to talk about ousting British capital, the cancellation of the concession, and the taking over the line in general. Charges are made that the administration of the company has been on an unnecessarily expensive scale; that money has been wasted, as the cost per mile of the line will show; and that the Chinese, out of patriotism, can not patronize

the

I have the honor to report that on the
15th inst. the third section of the railway, which will
eventually connect the city of Shanghai with that of
Nanking, will be formally opened. This section, which
only runs to Soochow, is of 18.72 miles in length, but
the proceeding section to Wangha is practically com-
pleted and will probably be opened for traffic by the
first of the year.

The Shanghai and Nanking Railroad is
being built by British capital under the supervision
of English engineers; the bonds have been held in
London and the profit sharing coupons of these bonds
are now passing current as securities in China. It is
therefore significant that even in advance of the open-
ing of this railroad the Chinese country of this province
of Kiangsu, together with Chinese officials resident
in Shanghai, are already beginning to talk about getting
British capital, the consolidation of the concession,
and the taking over the line's general. Chinese are
aware that the consolidation of the company has been an
enormously expensive scale; that money has been
wasted, as the cost per mile of the line will appear
and that the Chinese, for all practical purposes

the road if it is under the practical domination of foreign interests.

This is only another illustration of the prevailing sentiment in China against foreign participation in affairs Chinese. From a foreign standpoint, the Shanghai and Nanking Railroad has been well built and economically administered; there is every promise that it will pay large dividends and that it will be a most excellent agent in the development of the rich and fertile country through which it runs. The promise of trouble and embarrassment which this last demand of the Chinese indicates has stirred up the English community and has moved the North China Daily News to speak as follows: "The English corporation, which is building the railroad, is the trustee of the bondholders and can not relinquish its trust until every obligation has been acquired by the Chinese, and this is a fact which the Chinese Director of Railways must know perfectly well, but that the Chinese should do this is practically impossible. And it is a proof of the impotence of the Peking Government, as it is sarcastically called, that these agitations, which may at any moment in the present temper of the people become dangerous, are not firmly repressed. A strong man is wanted here to do what H. E. Yuan Shih-Kai has done in the north. If strong measures are not taken soon there will be trouble in the south, which may extend to the Yangtse valley; and this demand that no more concessions shall be granted on any terms and that existing concessions shall be cancelled or resumed, are all symptoms of what may become a very menacing anti-foreign feeling, which the Government is not stirring itself to abate. In the interest of all

foreigners

foreigners in China, it is to be hoped that Baron Komura will be very firm at Peking in his demands for an extension of the principle of the open door and an equal opportunity for all in China."

In this connection it may be stated that those best informed as to the probabilities state that now that the Chinese have taken over the Canton and Hankow Railway and the concession governing the line, they will not know what to do with it, and yet under the feeling which exists at present will not dare to enlist other foreign support, unless it be that of the Japanese. The latter issue is considered to be the most probable. At a recent dinner in honor of the birthday of the Emperor of Japan, the Chinese Treaty and Railway Commissioners who were present all announced their belief in Japan, extolled the brotherhood that exists between the two countries, and said that from this time on they would go hand in hand.

I have the honor to be,

Sir,

Your obedient servant,

Jas. L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

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No. #

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, November 21st , 1905.

CHIEF CLERK DEC 27 1905 DEPARTMENT OF STATE.

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

SUBJECT:

Death Reports.

ABSTRACT OF CONTENTS:

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No. 4

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, November 21st , 1905.

THE HONORABLE Francis B. Loomis,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to transmit herewith reports of the death of Marietta Melvin and of that of Barbara Beatrice Foster.

I have the honor to be,

Sir,

Your obedient servant,

Lester L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

Enclosures: 2 Form #192.

SHANGHAI, CHINA, November 21st

Francis B. Sayre,

I have the honor to transmit herewith
reports of the death of Marietta Shirley and Clara of
Martha Beatrice Taylor.

I have the honor to be,

Sir,

Your obedient servant,

AMERICAN CONSUL GENERAL.

J.W.

Enclosures: 2 Form 710.

CONSULAR BUREAU
NOTED AND PUBLISHED

(Form No. 192.)

REPORT OF THE DEATH OF AN AMERICAN CITIZEN.

Consular Service, U. S. A.

SHANGHAI, November 20th 1905

Name: Marietta Melvin

Native or naturalized: Native

Date of death: November 8th.,1905

Place of death: Victoria Nursing Home,Shanghai.

Cause of death: Dysentery followed by gangrene of vulva

Disposition of remains: Buried

Local law as to disinterring remains in case it is desired to bring them home:
None

Disposition of effects: Estate being probated in Consular Court.

Address of family: Unkown

Family notified:

Accompanied by relatives: No.

This information, inventory, accounts, etc., recorded in Miscellaneous Record Book, page 466

Remarks:

Left her property by will to Mrs Ella Frances Southworth of Lowell Mass.

Jas L. Rodgers
Consul General of the United States.

[SEAL.]

CONSULAR BUREAU
NOTED AND PUBLISHED

(Form No. 192.)

REPORT OF THE DEATH OF AN AMERICAN CITIZEN.

Consular Service, U. S. A.

SHANGHAI, November 20th 1905

Name: Marietta Melvin

Native or naturalized: Native

Date of death: November 8th.,1905

Place of death: Victoria Nursing Home, Shanghai.

Cause of death: Dysentery followed by gangrene of vulva

Disposition of remains: Buried

Local law as to disinterring remains in case it is desired to bring them home:

None

Disposition of effects: Estate being probated in Consular Court.

Address of family: Unkown

Family notified:

Accompanied by relatives:

No.

This information, inventory, accounts, etc., recorded in Miscellaneous Record Book, page 466

Remarks:

Left her property by will to Mrs Ella Frances Southworth of Lowell Mass.

Jas L. Rodgers

Consul General of the United States.

[SEAL.]

CONSULAR BUREAU
NOTED AND PUBLISHED

(Form No. 192.)

REPORT OF THE DEATH OF AN AMERICAN CITIZEN.

Consular Service, U. S. A.

SHANGHAI, November 20th 1905

Name: Barbara Beatrice Foster

Native or naturalized: Native

Date of death: November16th.1905

Place of death: Shanghai General Hospital

Cause of death: Chronic Nephritis

Disposition of remains: Buried

Local law as to disinterring remains in case it is desired to bring them home: None

Disposition of effects: Estate being probated in Consular Court.

Address of family: Unknown

Family notified:

Accompanied by relatives: No.

This information, inventory, accounts, etc., recorded in Miscellaneous Record Book, page 467.

Remarks:

Jay L. Rodgers
Consul General of the United States.

[SEAL.]

CONSULAR BUREAU
NOTED AND PUBLISHED

(Form No. 192.)

REPORT OF THE DEATH OF AN AMERICAN CITIZEN.

Consular Service, U. S. A.

SHANGHAI, November 20th 1905

Name: Barbara Beatrice Foster

Native or naturalized: Native

Date of death: November16th.1905

Place of death: Shanghai General Hospital

Cause of death: Chronic Nephritis

Disposition of remains: Buried

Local law as to disinterring remains in case it is desired to bring them home:

None

Disposition of effects: Estate being probated in Consular Court.

Address of family: Unknown

Family notified:

Accompanied by relatives: No.

This information, inventory, accounts, etc., recorded in Miscellaneous Record Book, page 467.

Remarks:

Jay L. Rodgers
Consul General of the United States.

[SEAL.]

(Form No. 109.)

REPORT OF THE DEATH OF AN AMERICAN CITIZEN.

Consular Service, U. S. A.

NO. 72

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AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, November 24th , 1905.

CHIEF CLERK DEC 27 1905 DEPARTMENT OF STATE.

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

SUBJECT:

Boycott.

ABSTRACT OF CONTENTS:

Reporting on boycott conditions in Shanghai and putports.

Stating that you have been assured that the boycott movement has been suspended.

NO. 72.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, November 24th , 1905.

THE HONORABLE Francis B. Loomis,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to report that at a conference with the Chinese officials November 23rd, I was assured that there is an absolute suspension of all boycott proceedure, although it was acknowledged that the student organization for that purpose is being maintained, and that Taot'ai Tseng Shao-Ching has been made the Chairman of the Chinese Chamber of Commerce boycott Committee. The duty of this committee, however, is stated to be that of controlling any further boycott expression, it being believed that there is no further necessity for active measures at present.

The American merchants assert that in some instances the Chinese refuse to take delivery of goods, but as it is generally conceded that trade is dull and the market very much overstocked there may be good reasons for such instances. As a general rule however there is little boycott complaint in Shanghai, and while there is anti-American sentiment, as well as anti-foreign, in the Yangtse ports, there has been no trouble reported.

I have the honor to be,

Sir,

Your obedient servant,

Lay L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

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No. 73.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, November 24th, 1905.

File.

CHIEF CLERK DEC 27 1905 DEPARTMENT OF STATE.

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

SUBJECT:

Leave of Absence.

ABSTRACT OF CONTENTS:

No. 73.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, November 24th , 1905.

THE HONORABLE Robert Bacon,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor in reply to the Department's letter of October 18th in relation to the short leave of absence requested by my despatch No.44 of September 12th to state as follows:

I left my post October 8th and returned October 23rd; no official matters were delegated to the Deputy Consul General (there being no Vice Consul General on duty) the general conduct of affairs being simply under his charge. As stated in my application this absence was on account of meeting my family in Japan.

I have the honor to be,

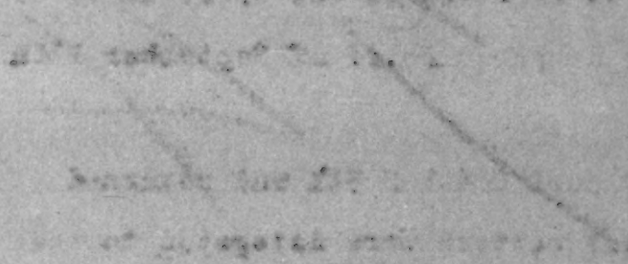
Sir,

Your obedient servant,

Jas. L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.



(A)

CONSULAR BUREAU
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2nd ASST. SECRETARY
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No. 74.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, November 29th , 1905 .

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MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

Ack
Jan 6'06
File

SUBJECT:

Steam Launch for Shanghai service.

ABSTRACT OF CONTENTS:

Reporting estimates on cost of steam launch, purchase of which was suggested in No.51. of Sept. 26, 1905.

No. 74.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, November 29th , 1905 .

THE HONORABLE Robert Bacon,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor in relation to the matter of a steam launch for the service of this Consulate, referred to in my No. 51 of September 26, 1905 to state that estimates furnished by reliable ship-builders of this city show that a teak wood launch, first class in every particular, from 55 to 65 feet in length, can be furnished complete for prices running from $5000 to $7000 gold, and that the cost of maintenance in Shanghai, including all wages, coal and oil, would be approximately $100 Mexican per month. Detail plans and specifications, together with a close estimate of expense of maintenance can be submitted to the Department on request.

As stated in the despatch mentioned above, with such a launch this Consulate and the Marine Hospital Service would be enabled to do its harbor work expeditiously, and in addition could keep in touch with the large outport population adjacent to Shanghai on the river and canal system. The institution of such a service is only in keeping with the apparent necessity for more intimate relations with the outports if the work of this Consulate is to be developed properly. Under such a system as I

have

have suggested Hangchow and Soochow--two important Chinese centres of commerce--can be virtually attached to this Consulate's supervision.

I may add that by authority this general proposition has the hearty approval of the Minister who is perfectly familiar with the subject.

I have the honor to be,

Sir,

Your obedient servant,

Jas. L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

Consular Bureau.

MEMORANDUM.

January 4, 1906.

Mr. Peirce:

There is no doubt in my mind that a steam launch would be very valuable for the Shanghai Consulate General. It could be used on the river for various purposes and would be very useful for the Marine Hospital officer or the Consul General in boarding and inspecting vessels. It could also be utilized to great advantage on the canal between Shanghai and Hangchow. We are not able to purchase a launch from our present appropriation, and it seems to me the proper proceedure would be to recommend to Congress an appropriation to cover the purchase in case the Department deems proper to do so.

ask saying that request for a special approp. cannot practicable at present

(No.74,Nov.29,1905,Shanghai):

3rd ASST. SECRETARY.
JAN 3 1906

No. 75.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, November 29th, 1905.

DEPT. STATE
DEC 29 1905

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

CHIEF CLERK
JAN
DEPARTMENT
OF STATE.

SUBJECT: Yu Chuan Chang, a Chinese student, who desires to enter the U.S.

JAN 1906

ABSTRACT OF CONTENTS:

Communicating information about the case of Yu Chuan Chang, a Chinese student, who desires to reenter the United States to join the Imperial Chinese Commission as a Secretary. Photograph enclosed.

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No. 75.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, November 29th , 1905.

THE HONORABLE Robert Bacon,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to state that Mr. Chang Kam, the principal clerk in the Shanghai office of the Chinese Imperial Customs, has applied to me for aid in the matter of the readmission of his son, Yu Chuan Chang, to America. The circumstances which I have investigated and found correct are as follows: Yu Chuan Chang, was one of seven Chinese students who went to the United States four years ago to enter Yale, presumably with special passports. He completed his course at Yale last June and left for Germany, where for some months he has been pursuing studies at Charlottenberg, Berlin. It had been his intention to return to Shanghai next year, but recently he has been advised of his appointment as one of the Secretaries to be attached to the Chinese Imperial Commission which is about to proceed to the United States and Europe. He has been directed to await the arrival of the party in America, it being thought that he is still in the United States. To comply with these instructions Yu Chuan Chang endeavored to obtain a special passport from the American Embassy in Berlin, but apparently it was refused, and consequently he has written to the Chinese Minister at Washington asking him to see if his re-entrance cannot be arranged without

necessitating

necessitating his return to Shanghai. His father desired me to vise a passport to be obtained from the Shanghai Taot'ai but as I cannot legally do so under the circumstances I am writing this in the hope that the Department of Commerce and Labor can make some special arrangement. Yu Chuan Chang is distinctly a member of the Imperial Commission party and a certificate to that effect can be obtained when the Commission reaches Shanghai. Enclosed is a late photograph which can be used for identification.

Inasmuch as this young man is a member of an important family and is in every way worthy of any courtesy, I hope there will be no trouble over his readmission. I would ask respectfully that the purport of this be communicated to the Department of Commerce and Labor. This despatch is sent in duplicate for that purpose.

I have the honor to be,

Sir,

Your obedient servant,

Jas. L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

I have the honor to be,

Sir,

Your obedient servant,

3rd ASST. SECRETARY.
JAN 3 1906

No. 76.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, November 28th, 1905.

ASSISTANT SECRETARY,
MAR 22 1906

MR. James L. Rodgers

TO THE DEPARTMENT OF STATE.

CHIEF CLERK
JAN 3
1906
DEPARTMENT OF STATE.

Am'd Jany 17/06

SUBJECT:

The Consular Court at Shanghai.

ABSTRACT OF CONTENTS:

Mentioning the proposition to establish a United States District Court for China, reporting upon the British Court, upon the volume of judicial work in the American Consular Court at Shanghai, and suggesting that such duty shall devolve upon a Vice Consul General who shall be a lawyer.

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NO. 76.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, November 29th , 1905.

THE HONORABLE Robert Bacon,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to submit the following for such consideration as may seem proper.

The proposition to establish a District Court of the United States in China under our extra-territorial rights having been made, it seems my duty to give that which I conceive to be a statement of fact in relation to the necessity and to the subject in general. That which is to follow is submitted with all deference to the opinion of others who have considered the matter.

The rights to maintain courts in China under extra-territoriality is now exercised by all nations having consular representatives, but of them all only England has seen fit to enlarge upon the original plan, and that by the creation of a Supreme Court which sits at Shanghai and has original as well as appellate jurisdiction. This court was made more or less necessary by the magnitude of English commerce and by recognition of the incongruity of the consular and judicial functions. The volume of business before the English Court here has never been large, and despite the fact that ample authority for the enlargement of its personnel by the appointment of more assistant judges has been given, there

has

has been no increase. Furthermore the title of Supreme Judge has been annulled, and the incumbent is now simply judge with an assistant, and a crown advocate. Even with this limited staff the Shanghai judicial work of England is easily performed. In all other consular stations in China the English commissioned consular officer performs the judicial work, with assistance, when needed from the court at Shanghai. Only at Tientsin is there as amount of work requiring much time, the judicial duty at other places being very light.

That which obtains as to English interests is naturally less marked as to American. Although I am not in possession of the statistics as to the Consulates of Newchwang, Tientsin, Chefoo, Hankow, Nanking, Hangchow, Foochow, Amoy and Canton, it is common report that legal business is infrequent with possibly the exception of Tientsin, and even there to judge by the British return it is of comparatively small volume. Shanghai unquestionably has more than any other and the statement is freely made that it has more than all the others combined, this being due to the larger American interests, to the greater American population, and to the character of that population. Accepting such estimates as only partly true, a just appreciation of the whole can perhaps be reached by considering the Shanghai court work in that proportion. The American population of Shanghai is now about one thousand, counting men, women and children; the American attorneys number seven, who practice in all the Consular Courts and especially in the Mixed Court which has a large amount of Chinese litigation. The cases brought before the American Court can not be averaged by short periods,

but

has been no increase. Furthermore the city of Nanking has been occupied, and the Japanese in Kow simply take with no assistant, and a strong adverse. Then with this limited staff the Shanghai judicial work of England is easily performed. In all other consular stations in China the English combined consular officer performs the judicial work, with assistance, when needed from the court at Shanghai. Only at Tientsin is there an amount of work requiring much time, the judicial duty at other places being very light.

That which obtains as to English interests is naturally less marked as to American. Although I am not in possession of the statistics as to the consulates of Hankow, Tientsin, Chefoo, Harbin, Nanking, Mukden, Foochow, Amoy and Canton, it is common report that legal business is infrequent with possibly the exception of Tientsin, and even there to judge by the British return it is of comparatively small volume. Shanghai unquestionably has more than any other and the statement is freely made that it has more than all the others combined, this being due to the larger American interests, to the greater American population, and to the character of that population. Accepting such estimates as only partly true, a just appreciation of the whole can perhaps be reached by considering the Shanghai court work in that proportion. The American population of Shanghai is now about one thousand, consisting men, women and children; the American attorneys number seven, who practice in all the Consular Courts and especially in the United States Court which has a large amount of business pertaining to admiralty jurisdiction. The opinion brought before the American Court can not be arrived at by mere reading

but the number filed and heard since May 29th 1905 to date -- a period of six months -- has been thirty one, this not including police cases which are quickly disposed of, involving usually petty misdemeanors. An inspection of the past records shows that this is about the usual number for the half year. Under such a statement it is difficult to perceive the necessity for any separate judicial department not only for Shanghai but also for China when it is remembered that many of the Consulates go for months without a case. Plainly speaking, I can not see how a judge or court officers, attending to American court work exclusively, could find enough to keep them working even a small portion of each day throuhout the year.

This statement, apparently in opposition to the proposition for a court, is not made with a view of maintaining the present system for Shanghai. In such a place as this the duty of trying even a few cases is not only burdensome but also embarrasing to the Consul General. His ordinary work is heavy, the demands on his time excessive, and the conditions peculiar. By law he is required to encourage an amicable settlement of controversies, and in Shanghai, where attorneys are industrious, such endeavor may well lead to compromising results. Furthermore combining the functions of a judge and a consular officer, while it gives the authority needed in such a place as Shanghai, oftentimes affects the true duty of the office. In view of these statements I hope to be acquitted of the suspicion that I am writing in any way in my own interest.

If it is thought proper to relieve the Consul General of this judicial work -- a conclusion I earnestly

This statement, by exactly its opposition to the proposition for a court, is not made with the of maintaining the present system for Shurpul. In such a place as this the duty of trying even a few cases is not only burdensome but also subtracting to the General. The ordinary work is heavy, the expense on the one executive, and the conditions peculiar. It be is required to encourage an amicable settlement of controversies, and in Shurpul, where attorneys are in- desirous, such encouragement may lead to undesirable results. Furthermore combining the functions of a judge and a committee officer, while it gives the authority needed in such a place as Shurpul, effectively in this duty of the office. In which in any way in

earnestly advocate -- the result desired can be accomplished by an act providing that a Vice Consul General at Shanghai shall be a lawyer in good standing, who shall have charge of judicial work, civil, criminal and probate, that the same powers judicially formerly possessed by the chief commissioned officer shall be vested in him, and that in his absence or disability the Consul General shall serve temporarily. Such a Vice Consul General should of course be granted an adequate salary, and be given the assistance now afforded by the Consular Marshal. If this plan was inaugurated for Shanghai, and applied to Tientsin and Canton when needed, I believe every requirement of the present and perhaps the future would be supplied. The Alaskan Civil and Criminal Code could well be adapted for use in China, but even with the common law procedure as of the present there would be no trouble. If the appeal could lie to a legal officer at the Legation, it would round out a system which would last as long as extra-territoriality, and be compact and inexpensive. The preservation of Consular authority is a matter of no small moment in Shanghai, especially, and under such a plan as that suggested above there would not be the slightest abridgment of it. The British by the establishment of their separate court were confronted with this embarassment and the effect of it is still noticeable.

Another good result to accrue from the system proposed would be that of giving additional working force to an undermanned Consulate - a place where conditions are apt to arise at any time calling for more work than can possibly be performed with the present staff.

It may be mentioned that this is practically

the

the system of the Germans and that it works admirably.

At times when the judicial work has been pressing and other matters have had to be laid aside, I have thought that a separate court might be needed, and have so expressed myself, but in the light of six months experience I now feel that I should present the facts, and suggest a remedy which will meet all the conditions. I do not assume to speak for the other Consulates. My observation relates only to Shanghai and here I know that the plan I have outlined will be all sufficient and a great aid to the general consulate work as well.

I reiterate that by this statement I have only endeavored to advise the Department of conditions which are a matter of record and easily susceptible to proof. If it is deemed necessary to create the Court I will do all in my power to aid the new department, but I do not care to remain on record as believing that anything akin to the British Court is needed. The peculiar work of this Consulate, in my opinion, demands men to keep in touch with our business interests infinitely more than any extensive judicial system.

I have the honor to be,

Sir,

Your obedient servant,

Jas. L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

BUREAU OF APPOINTMENTS
DEC 11 1905
Department of State.

TELEGRAM RECEIVED IN CIPHER.

Secretary of State,
DEC 11 1905

From Shanghai

December 11th, 1905.

Received 11:20 A. M.

Secretary of State,

Washington.

Great excitement among Chinese here entirely owing to trouble with municipal authorities in the mixed court. English only involved. No disturbances yet. Adjustment probable.

RODGERS

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DEC 14 1905
FILED

Deciphered by the Chief Clerk's Office,

S. H. Q.

OF APPOINTMENTS
DEC 13 1905
Department of State.

TELEGRAM RECEIVED IN CIPHER.

REC'D
DEC 13 1905

ASSISTANT SECRETARY,
DEC 13 1905

Refer to Treasy Dept
for reply

From Shanghai

December 13th, 1905.

Rec'd. 9:25 A. M.

Telegram to Treasury Dec 13/05

Secretary of State,

Washington.

Chinese Imperial Commissioners leaving soon. They wish to know whether their luggage will be examined San Francisco.

RODGERS.

Answered by wire Dec 14/05

Dec 13-1905
Secretary of Treasury
attend to advise -
L.D.

INDEX BUREAU
DEC 13 1905
FILED

CONSULAR BUREAU RECD. JAN 18 1906 DEPARTMENT OF STATE

3rd ASST. SECRETARY. JAN 15 1906

No. 77.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, December 15th , 1905.

CHIEF CLERK JAN 11 1906 DEPARTMENT OF STATE.

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

SUBJECT: re the Chinese Imperial Commission.

ABSTRACT OF CONTENTS:

Confirming and explaining telegram as to examination of luggage, and stating that general certificate as to character and mission of party has been given. Requesting telegraphic instructions to officials at San Francisco.

INDEX BUREAU JAN 20 1906 FILED

No. 77.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, December 15th , 1905.

THE HONORABLE Robert Bacon,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to confirm my telegram of the 13th inst., reading as follows:

"Sec. State, Washington.

Chinese Imperial Commissioners leaving soon. They wish to know whether their luggage will be examined San Francisco.

Rodgers."

In explanation of which I desire to state that the Chief Secretary of the Commission called upon me for a certificate as to the official character or purpose of the party, and in addition wished to know whether the courtesy of free entry of their luggage would be granted. Inasmuch as Mr. Wan Bin Chung, the Secretary, was educated in America and has been very friendly in all discussions relative to the boycott, he was anxious that the party should have as good an impression of American ways as possible and therefore requested me to ascertain as to the examination of their luggage. The Legation was unable to inform me and advised that I should ask Washington, the telegram given above being the result.

I have furnished to these Commissioners, and to the Secretaries and Attaches, a general certificate which, as I understand the law, will entitle them to admission

mission to America without passports. In view of the recent past it is very important to us out here that there shall be absolutely no impediment placed in the way of this Commission, and therefore I would request that the Customs Officials at San Francisco be instructed to give special attention to the party. They will sail from Shanghai on the Steamship Siberia on December 19th, and as this despatch will go by the Canadian Pacific Steamer on the 16th, it will reach Washington in ample time to transmit notification to San Francisco before the Siberia arrives.

I have the honor to be,

Sir,

Your obedient servant,

Jas. L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

Dept.577--2.

nisation to America without passports. In view of the recent past it is very important to us out here that there shall be absolutely no impediment placed in the way of this commission, and therefore I would request that the Customs officials at San Francisco be instructed to give special attention to the party. They will sail from Shanghai on the Steamship Siberia on December 19th, and as this destination to San Francisco before the Siberia arrives.

I have the honor to be,

Sir,

Your obedient servant,

AMERICAN CONSUL GENERAL.

Y.M.

Inclosure.

No. #

CONSULAR BUREAU.
NOTED.

3rd ASST. SECRETARY.
JAN 15 1906

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, December 15th, 1905.

CHIEF CLERK
JAN
12
1906
DEPARTMENT
OF STATE.

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

Ans'd Jany 25/06

SUBJECT:

Report of Marriages.

ABSTRACT OF CONTENTS:

Transmitting copies of cert. of marriage issued to W. C. Booth and J. J. Woodruff.

CONSULAR BUREAU
JAN 22 1906
FILED

CONSULAR BUREAU.
NOTED.

No. 4

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, December 15th , 1905.

THE HONORABLE Robert Bacon,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to transmit herewith copies of certificates of marriage issued to W. C. Booth & Elsie Blanche Harrod, and John Jacob Woodruff & Mrs Edith Mitchell, respectively.

I have the honor to be,

Sir,

Your obedient servant,

Jas. L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

Enclosures: 2 Certificates of marriage.

Robert Bacon,

I have the honor to transmit herewith
copies of certificates of marriage issued to T. O.
Smith & Nicolo Micenko Zarrad, and John Jacob Goodrat
& Ina Edith Mitchell, respectively.

I have the honor to be,

Sir,

Your obedient servant.

AMERICAN CONSUL GENERAL.

Inclosures: 2 Certificates of marriage.

Form No. 87.

CERTIFICATE OF MARRIAGE

Consular Office of the United States of America

SHANGHAI, CHINA 30th Nov. 1905

I, H. Carter Boyd, Deputy Consul-General of the United States at Shanghai, China, do hereby certify that, on this Thirtieth day of November A.D., 1905, at Quiet Chinese Home in the city of Shanghai, Nell C. Booth, aged 27 years, born in Grundy Co. Illinois and now residing in Shanghai, China, and Elsie Blanche Hand aged 25 years born in New York, and now residing in Shanghai, China, were United in Marriage before me, and in my presence, by Rev. C. M. Myers, who is authorized by the laws of New York to perform such a ceremony

In Witness Whereof I have hereunto subscribed my name and affixed the seal of my office at Shanghai, China, this 30th day of Nov., A. D., 1905, and of the Independence of the United States the 130th

H. C. Boyd

Deputy Consul-General of the United States of America.

Fee one dollar. To be issued in duplicate.

CERTIFICATE OF MARR

Form No. 87.

File

CERTIFICATE OF MARRIAGE

Consular Office of the United States of America

SHANGHAI, CHINA Dec, 2d 1905

I, M. Porter Boyd, Deputy Consul-General of the United States at Shanghai, China, do hereby certify that, on this Second day of December A.D., 1905, at Residence of Rev. J. P. Hykes, in the city of Shanghai John Jacob Nordhoff, aged 34 years, born in Pleasantville, Pa and now residing in Shanghai, and Mrs. Edith Mitchell, aged 33 years born in Australia, and now residing in Shanghai, were United in Marriage before me, and in my presence, by Rev. J. P. Hykes D.D., who is authorized by the laws of Pennsylvania, to perform such a ceremony.

In Witness Whereof I have hereunto subscribed my name and affixed the seal of my office at Shanghai, China, this Second day of December, A. D., 1905, and of the Independence of the United States the 130th

M. P. Boyd

Deputy Consul-General of the United States of America.

Fee one dollar. To be issued in duplicate.



CONSULAR BUREAU
JAN
18
1906
DEPARTMENT OF STATE.

3rd ASST. SECRETARY.
JAN 15 1906

No. 78.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, December 15th , 1905.

CHIEF CLERK
JAN
11
1906
DEPARTMENT
OF STATE.

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

SUBJECT:

Benedict Drury.

Instruction Jan 20/06

ABSTRACT OF CONTENTS:

Acknowledging receipt of Dept. #14 of Nov. 6th, relative to application for pension of Benedict Drury and stating that B. Drury died Oct. 10

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14 Nov 6 to S

To Dept Nov 2

No. 78.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, December 15th , 1905.

THE HONORABLE Robert Bacon,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to acknowlede receipt of the Department's No. 14 of November 6th, enclosing a copy of the letter of the Secretary of the Interior in relation to the application for pension of one Benedict Drury. In reply thereto I regret to inform you that Benedict Drury died at Shanghai October 10th, his death being reported by my unnumbered of October 31, 1905.

I have the honor to be,

Sir,

Your obedient servant,

Jas L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

Y.M.

No. 79.

INDEX BUREAU RECD. JAN. 13 1906 DEPT. OF STATE

3rd ASST. SECRETARY. JAN 15 1906

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, December 15th , 1905.

CHIEF CLERK JAN 11 1906 DEPARTMENT OF STATE.

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

ASSISTANT SECRETARY, JAN 16 1906

SUBJECT:

Boycott & Anti-foreignism in China.

COPIES MADE.

ABSTRACT OF CONTENTS:

Reporting upon the boycott conditions in the Yangtze Valley and in Shanghai, the assurances of Viceroy Chou Fu, and the statements that anti-foreignism is becoming general.

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No. 3.

No. 79.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, December 15th , 1905.

THE HONORABLE Robert Bacon,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to state in relation to the boycott on American goods and to the reports of anti-foreign feeling that careful consideration of the conditions does not lead me to believe that entire credence should be given to the statements which I know are being sent abroad from China and in some instances to the Department itself. Apparently it is a very easy matter for some people whose plans and schemes are being interfered with to find evidences of violent anti-foreign feeling among the Chinese, and as is usual, the theories concerning this sentiment grow in transmission from one to another, but when the facts are investigated and all things are weighed, it is customary to find that a great deal has been made out of very little and that foreigners as well as Chinese are to blame. However, at the present time there is unquestionably some justification for the belief that anti-foreign feeling in connection with the boycott has arisen and in some places is developing to a dangerous degree. It was but natural to suppose that after an acute disorder like that of the boycott there would be a long period of time before its effect could be gotten out of the minds of the masses. It has also been stated repeatedly to the Department that the boycott

sentiment

AMERICAN CONSULATE GENERAL,

CANTON, CHINA, December 18th, 1909.

The HONORABLE Robert Bacon,

The Assistant Secretary of State,

Washington, D. C.

I have the honor to state in relation to the boycott on American goods and to the rejoicing of certain foreign feeling that excessive exaggeration of the conditions does not lead us to believe that active steps should be given to the statements which I know are being sent abroad from China and in some instances to the Department itself. Apparently it is a very easy matter for some people whose plans and schemes are being interfered with to find evidences of violent anti-foreign feeling among the Chinese, and as is usual, the theories concerning this sentiment grow in transmission from one to another, but when the facts are investigated and all things are weighed, it is necessary to find that a great deal has been made out of very little and that generalizations as well as Chinese are to blame. However, at the present time there is unquestionably some justification for the belief that anti-foreign feeling in connection with the boycott has arisen and in some places is developing to a dangerous degree. It was not natural to suppose that other or more disorder like that of the opposite Kwang would be a long period of time before its effect could be forgotten out of the minds of the masses. It has also been stated repeatedly to the Department that the boycott

sentiment would travel slowly towards the interior and that as soon as it had taken root it would be hard to eradicate. That is the situation at the present time as far as the Yangtze Valley population is concerned. While the boycott is not active, it is yet in evidence in a suspicious and perhaps semi-unfriendly attitude of the people. The effect of the placards and posters illustrating the Chinese idea of the ill treatment of their people in America could not naturally be dispelled by an edict from Peking or by an order from a Viceroy or Taot'ai. It is not strange, therefore, that in places where people depend entirely upon the passing throng for their news that the boycott talk still exists and that action under the cause is some times taken. Nor is it strange that while such feeling exists there should be some anti-foreign expressions and conduct. The Chinese of the interior do not readily distinguish between the nations, as in the vast majority of individual cases the language of all foreigners is equally unintelligible. Having heard that the Chinese have a grievance against one nation, it follows as a sequence in China that all people not of their own should be regarded with distrust. This feeling, however, does not extend to the Japanese, and as they are slowly but surely penetrating to every centre of Chinese population and are there advocating their own concerns and incidentally assailing those of foreigners, it is more than probable that some of the present day condition can be attributed to them. In fact, a good deal of the anti-foreign scare among Europeans and Americans can be traced to the belief that the Japanese are telling the Chinese things to the detriment of other nations.

There is in Shanghai a divided opinion as to whether the boycott is really in operation or not. That

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it exists in some ways can not be denied, but that it flourishes and is in any way a popular cause is absolute-lt untrue. All business is dull, but that can be accounted for by the approach of the China New Years, when settlements are to be made; the market is still overstocked with foreign goods and is likely to remain so for some time to come; the students are preserving their organization and perhaps are getting bolder in their public utterances; the guilds are asserting their power in some ways which may be connected with the boycott idea; and finally, the leader of the boycott, Tseng Shao-Ching, has been emboldened to come out from cover and publish a letter relative to his demands. A copy of this letter I enclose as it illustrates the attitude of these people. While the publication of this letter created no comment, it was promptly returned to the writer with the information that he should communicate with the Diplomatic Officials at Peking through the Chinese Officials. Taking all things into consideration, therefore, I can not see that there has been any great resurrection of the boycott in Shanghai, but in saying this, I wish to be understood as of the opinion that it is simply under suppression and that it is very likely to come again if the result of the American Congressional discussion of the Chinese question is unsatisfactory to them. I believe, however, that the influence of the merchants and perhaps of the guilds, as well as that of the official class, will be sufficient to suppress the matter to a great extent, and if any other force is needed it will be supplied by other foreigners who now see a great menace to all their interests in any prolongation of the boycott cause. The incident of the Mixed Court of Shanghai, which is reported in another despatch, is sufficient to bring all foreigners to a realizing sense of

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the danger of allowing the Chinese to become excited ever any cause which is antagonistic to a foreign nation. I am keeping constantly in communication with the Chinese officials and am urging the promptest measures in the suppression of any boycott talk, my hope being that if actual boycott does come again its force will have been lost by early admonitions and action from the government.

The prevalence of discussion as to anti-foreignism and to boycott matters led me to go to Nanking last week, there to see the Viceroy, Chou Fu, and to obtain from him an expression regarding these matters. I went to Nanking on the United States Cruiser "Baltimore", was received in a most cordial way and had a very satisfactory interview, the Viceroy assuring me that he would use every power at his command to suppress not only [redacted] boycott sentiment but also any evidence of anti-foreignism. He professed to be appreciative of the President's attitude towards the exempt classes entering America, asserted that he desired to have as many Chinese students as possible obtain their education in America, that he wished American instructors for his new Army, and that he would welcome any aid or assistance which Americans could give in the Liang Kiang Provinces. These assurances he repeated to Hon. W. J. Bryan, who was in Nahking at the same time.

While I was in Nanking a meeting in furtherance of the American boycott idea took place in Soochow, which is eighty-five miles from Shanghai. The Viceroy promised to issue stringent orders against any further meetings and telegraphed immediately to the Governor.

My correspondence from such places as Foochow, Hangchow, Yengchow and Wengchow often contain the most sweeping statements as to the boycott and anti-foreignism, but, as I have stated in the beginning of this despatch,

there

there is almost utter failure to give specific instances, and it is to be believed that to some degree the conclusions are mere generalities. However the longer one lives in China and the more one deals with the Chinese in an official way, the less, apparently, does one know as to what their action will be. This statement, which is almost equivalent to a maxim with foreigners in China, may well serve in this despatch as a frank admission that I am not at all positive as to my conclusions in regard to anti-foreignism. But that which I have written is my best judgment of present conditions, and while there may be a dangerous sentiment developing, it is very difficult to establish the fact even to a small extent. It seems to me that a more reasonable interpretation of the Chinese attitude towards foreigners at this time is that gained by considering the natural effect of the awakened spirit inspired by several causes. The example of Japan as preached by foreign taught Chinese is unquestionably the prime factor, but it must be remembered in addition that the Chinese contact and acquaintance with foreigners and their affairs have been growing closer and more intimate with each month, and therefore it is natural that under the spur of public discussion and official action, such as we have seen of late, there should be some outward expression of it in the lives of all the people. "China for the Chinese" is indeed the popular cry, but that does not necessarily mean absolute antagonism and antipathy toward those of other races. They have been told that foreigners can not compete with them on their own ground if they take the initiative and for that reason may at present have somewhat of a contemptuous indifference for foreign aid. Their action in regard to railway and other concessions would seem to indicate this, and there are many other instances equally as significant.

I

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this connection as a frank admission that I am not at all
positive as to my conclusions in regard to anti-foreignism.
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developing, it is very difficult to establish the fact
even to a small extent. It seems to me that a more tenable
interpretation of the Chinese attitude towards foreigners at this time is that gained by considering the
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on their own ground if they take the initiative and for that
reason may at present have somewhat of a contemptuous
difference for foreign aid. Their action is toward in vari-
ous and other connections would seem to indicate this, and
there are many other instances of simplicity as illustrated

I have gone to this length in this matter because it seemed proper to give the point of view from Shanghai where a great part of the wealth and intelligence of China is now centering. My observation has been enlarged by the opinions of many Chinese and I do not think that in the general conclusions herein stated I have underestimated the potent factors nor failed entirely to see both sides of the questions entering. There is, in my opinion, much respect to be given to the common sense of the view of an advanced Chinese who said not long ago that "China's attitude towards the world can only be construed now as anti-foreign by those who suffer from her independence." If this rule is applied generally no one can complain of the spirit although they may suffer from the act.

I have the honor to be,

Sir,

Your obedient servant,

Jas. L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

I have come to this length in this matter because it seemed proper to give the point of view from Shanghai where a great part of the wealth and intelligence of China is now centering. My observation has been urged by the opinions of many Chinese and I do not think that in the general conclusions stated I have underestimated the potent factors not tallied entirely to each side of the question entirely. There is, in my opinion, much respect to be given to the common sense of the view of an advanced Chinese who said not long ago that "China's attitude towards the world can only be construed now as anti-foreign by those who suffer from her independence." If this rule is applied generally no one can complain of the spirit although they may suffer from the act.

I have the honor to be,

Sir,

Your obedient servant,

AMERICAN CONSUL GENERAL.

J.W.

Tseng Shao-Ch'ing to Mr. Rodgers re request that Chinese be admitted into the Philippines and Hawaii.

It has been five months since last I saw you. Owing to illness, I am sorry to say that I have been unable to call upon you.

I wish now to inform you that I have recently received from various cities in California telegrams in regard to your country's taking up the discussion of the Exclusion Treaty. It is rumored that there are still some proposals with which the Chinese are not satisfied. These telegrams ask that we forcibly fight this treaty; I have in turn sent these telegrams to the outports.

Recently Hawaii and the Philippines have become part of your country's possessions. Formerly there was no exclusion law in these islands. I must ask that you, Sir, telegraph your Government informing it that at this time, while the discussion of this treaty is on, these two islands ought not, according to the old established custom which prevailed before their becoming part of the United States, to be subject to the exclusion treaty. If perchance America cannot condescend to our wishes in this regard even though our Government should sign such a treaty our people will refuse to recognize it in that they will mutually instruct one another not to use American goods. To this they will hold fast which in turn will be of great harm to your country's merchants.

Because of the fact that I believe that my country's and your country's friendly relationships are most substantial and I have also had the pleasure of one day's intercourse with you, and since I know what the intentions of my people are, I consider it my duty to inform you of the true circumstances of this affair. I earnestly hope that you will despatch a telegram to your Government in order to forestall any

difficulties

difficulties which might arise after the matter is once settled. Naturally your country's labor unions are much to be dreaded; But the resolutions of our people are also to be taken into account. Because Sir, it is your duty to keep your country informed in these matters, I have taken upon myself to give you this information. I fear I have not been very explicit in explaining this matter to you, but I beg that you consider what I have said. I respectfully write you to inform you as to the true state of affairs.

I avail myself of the opportunity to renew to you the assurances of my highest consideration.

Undated - Received December 8, 1905.

Card of Tseng Shou (Tseng Shao-Ch'ing) enclosed.

To the Honorable

James Linn Rodgers,

American Consul General,

Shanghai.

File

3rd ASST. SECRETARY.
JAN 15 1906

No. 80

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, December 16th , 1905.

CHIEF CLERK
JAN
12
1906
DEPARTMENT
OF STATE.

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

SUBJECT:

Mixed Court Trouble in Shanghai.

ABSTRACT OF CONTENTS:

Reporting great excitement and prospective trouble caused by dispute between Chinese officials and English Municipal authorities. Explanation of Mixed Court.

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JAN 23 1906

No. 80.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, December 16th , 1905.

THE HONORABLE Robert Bacon,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to confirm my telegram of the 11th inst. reading as follows:-

"Sec. State, Washington.
"Great excitement among Chinese here entirely owing to trouble with Municipal authorities in the Mixed Court English only involved no disturbances yet adjustment probable.
"Rodgers."

In explanation of which, and for the information of the Department, I beg to state that the Mixed Court of Shanghai was provided for by treaty and the rules under which it has operated have been in force since 1869. Since that time, owing to the growth of Shanghai and to the increase and importance of foreign interests, there has been necessity for frequent changes and extensions of the regulations, and these, in accordance with Chinese usage, have practically become established. Four or five years ago a set of new rules and regulations was prepared and forwarded to Peking for the approval of the Chinese Foreign Office and the Diplomatic Body, but apparently they were allowed to remain unnoticed until during the very recent past. Under the stress of conditions which are now confronting the Chinese and foreigners in Shanghai, and in other important places in China, there has arisen a great deal of discussion as

to

No. 1.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, December 16th 1919.

Robert Bacon,

Secretary of State,

Washington.

Sir:

I have the honor to confirm my telegram of the 11th inst. reading as follows:-

"Sec. State, Washington.
"Great excitement among Chinese here and-
"tirely owing to trouble with Municipal author-
"ities in the Mixed Court English only involved
"No disturbance yet apprehended probable.
"Rodgers."

In explanation of which, and for the information of the Department, I beg to state that the Mixed Court of Shanghai was provided for by treaty and the rules under which it has operated have been in force since 1869. Since that time, owing to the growth of Shanghai and to the increase and importance of foreign interests, there have been necessity for frequent changes and explanation of the regulations, and these, in connection with Chinese unrest, have practically become established. Four or five years ago a set of new rules and regulations was prepared and forwarded to Peking for the approval of the Chinese Foreign Office and the Diplomatic Body, but apparently they were allowed to remain unconsidered until during the early August past. Under the stress of conditions which are now confronting the Chinese and foreigners in Shanghai, and in other important cities in China, there has arisen a great deal of discussion on

to the procedure in the Mixed Court, this being caused by reason of the fact that the Municipal Council of the International Settlement of Shanghai has been pressing for amendments of the rules and has been attempting practically to take charge of the Court, which is generally recognized as being under Chinese control, the only concession being that foreign assessors shall sit with the Chinese magistrates in all cases civil and criminal involving the rights of a foreigner or of foreign interests. The present Taot'ai of Shanghai has resisted the attitude of the Municipal Council and has frequently demanded a complete restoration of Chinese rights in relation to the Mixed Court. In this matter he has been vigorously opposed by the Municipal Council, which is largely British, and the British Assessor who has been acting according to the wishes of the Municipal Council. The rule has been that the British Assessor sits with the magistrate three days in the week, the American Assessor two, and the German Assessor one, but following out the plan of the Municipal Council, the British Assessor has been given jurisdiction over a disproportionate number of cases, it being believed that he would follow the lines established by his nationals in the Municipal Council. The American and German Assessors, however, have endeavored to recognize Chinese rights as far as they could, and as a consequence, this conflict of action has given rise to discussions in the Consular Body, which has usually resulted in temporization, much to the displeasure of the Chinese who have seemed determined to secure their old rights.

I have reported this matter frequently to the Legation and urged the necessity for the adoption of new rules, fearing that there would some day be an outbreak which would jeopardize the relations between the Chinese and foreigners. Mr. Rockhill has repeatedly written to

me

me that he has endeavored to secure action upon the new rules but the Chinese have pursued dilatory tactics and nothing has been done. Of late, however, Mr. Rockhill assures me, there has been indication of the Chinese being willing to adjust the matter, and in a very recent despatch I was assured that an outcome could be expected soon.

Matters were in this condition when on the 8th of this month a case involving alleged kidnapping was sent before the court by the Municipal Police, and evidence to clear the defendants not being at hand, the case was remanded. A dispute immediately arose between the Chinese magistrate and the British Assessor as to the place of confinement, the first advocating the Chinese Female Prison and the second the Municipal Jail. The place of confinement of female prisoners has always been one of the vexed questions, the Municipal Council claiming that the Chinese extorted "squeezes" from the women. The Police in this instance, by the order of the British Assessor, seized the prisoners and prepared to take them out of court to the Municipal Jail. Thereupon a general fight ensued in which Assistant Magistrate King/ who by the way is one of the three brothers who were stopped by the Customs authorities at Boston on the 24th of June last, participated and was somewhat injured. After quiet had been restored the Magistrate ordered the court closed, and in this action he was sustained by the Taot'ai and the Viceroy at Nanking. During the days immediately following there was probably more anti-foreign feeling in Shanghai than at any time since the Boxer trouble. A very serious condition of affairs was promised and at the present time there is not much change. The Chinese have refused to reopen the court and are preparing to institute a general boycott on foreigners if there [is] not some recognition of their demands. The Consular Body has

been

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been trying to adjust the matter but information has reached us from Peking that the question is being considered by the Diplomatic Body there and that in the meanwhile we are to do nothing. The Court is now closed, the jails are filling up with prisoners arrested in the International Settlement, the Chinese are very angry and determined, and all foreigners are more or less apprehensive of results. The English have ordered one or two additional war ships here and seem determined to test the question of the control of the International Settlement. Public opinion, even among the British, as to the right in the matter is divided, but foreigners of other nationalities are almost a unit in sympathy with the Chinese. It is probable, however, that the local Chinese officials will be instructed from Peking to preserve peace and that the negotiations now proceeding at Peking will lead to an amicable adjustment. It should be stated that the Chinese openly assert that they have only received absolute justice from the American Consulate.

I thought proper to advise the Department of this trouble as at the time it was very serious and may yet develop into a dangerous condition.

I have the honor to be,

Sir,

Your obedient servant,

Jas. L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

trying to adjust the matter but intervention has resul-
ted from feeling that the question is being considered by
the diplomatic body there and that in the assembly we can
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openly assert that they have only received absolute justice
from the American Consulate.

I thought proper to advise the Department of
this trouble as at the time it was very serious and may
yet develop into a dangerous condition.

I have the honor to be,

Sir,

Your obedient servant,

AMERICAN CONSUL GENERAL.

I.T.

3rd ASST. SECRETARY. JAN 15 1906

No. 81.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, December 16th , 1905.

CHIEF CLERK JAN 12 1906 DEPARTMENT OF STATE.

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

Acld Jan 20.06

SUBJECT:

Stenographer.

ABSTRACT OF CONTENTS:

Requesting allowance for employment of a stenographer for Court and Consulate work.

INDEX BUREAU JAN 22 1906 FILED

No. 81.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, December 16th , 1905.

THE HONORABLE Robert Bacon,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to state that the business of this Consulate General, in my opinion, will justify my request for an allowance for a stenographer. The every day affairs, the court cases and many other things necessitate some such service. At present I am paying personally for a stenographer. This request is submitted with the earnest hope that it will receive favorable action.

I have the honor to be,

Sir,

Your obedient servant,

Jas. L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

Y.

CONSULAR BUREAU.
PLEASE REPORT.

RECEIVED JAN 0 1906 DEPT OF STATE

CONSULAR JAN 16 1906 DEPARTMENT OF STATE

3rd ASST. SECRETARY JAN 15 1906

No. 82.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, December 16th , 1905 .

CHIEF CLERK JAN 12 1906 DEPARTMENT OF STATE.

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

File

SUBJECT:

Return of E. B. Horwitz, alleged fugitive from justice.

Dis. Rosabredy
Given suit d
Disposed ?
See 20 20 Dec 27/06

ABSTRACT OF CONTENTS:

Communicating information about case of E.B. Horwitz, and requesting assistance in securing his return for trial on the charge of forgery.

INDEX BUREAU JAN 29 1906 FILED

No. 82.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, December 16th , 1905.

THE HONORABLE Robert Bacon,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to forward herewith papers in support of my request for the return to Shanghai for trial on the charge of forgery of Ernest B. Horwitz, who will presumably be arrested at San Francisco on the 18th inst., he being a passenger on the Steamship "Korea" of the Pacific Mail S. S. Co. The complaint and affidavits accompanying fully set forth the nature and circumstances of the alleged crime. Inasmuch as Horwitz is the second American charged in the last month with serious crime, and as it is very important to endeavor to establish our right to apprehend and have returned such fugitives, I earnestly hope the Department will sustain me and urge the surrender of Horwitz, if arrested, to an officer of California who will convey him to Shanghai. The expense of such return will be borne by those prosecuting and I will require ample security to provide for Horwitz's return in event of his innocence being established. There is but little probability of that however, as his act was a flagrant one and his general reputation bad.

I am aware that there is an unusual request and procedure but I believe not without precedent. It has seemed to me that the only possible way of securing the

compulsory

compulsory return of a fugitive from extra-territorial justice is through the agency of the State Department, and if we fail in this we will be absolutely without power over those who get aboard a ship.

There has been necessity for great haste in the preparation of these papers and consequently there may be defect, which I hope however will not be vital. I beg to say further that I am not at all sure that this process can be successful, but consented to it upon the representation for the necessity of establishing a precedent if possible.

I have the honor to be,

Sir,

Your obedient servant,

Jas L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

compulsory return of a fugitive from extra-territorial
justice is through the agency of the State Department.
And if we fail in this we will be absolutely without power
over those who get aboard a ship.

There has been necessity for great haste in
the preparation of these papers and consequently there may
be defect, which I hope however will not be vital. I
beg to say further that I am not at all sure that this
process can be successful, but nevertheless to it upon the
representation for the necessity of establishing a precedent
if possible.

I have the honor to be,

Sir,

Your obedient servant,

AMERICAN CONSUL GENERAL.

I.T.

AMERICAN CONSULATE GENERAL

Shanghai, China, December 16th 1905

TO THE HONORABLE

THE SECRETARY OF STATE

OF THE UNITED STATES

WASHINGTON D.C.

Sir:-

I have the honor to request that requistion be made upon the Governor of the State of California for the surrender of Ernest B.Horwitz, alias Ferguson, charged by complaint duly supported by affidavits, with the crime of forgery, committed in the city of Shanghai, on or about the 11th day of October, 1905.

I hereby certify that the said Ernest B.Horwitz, alias Ferguson, is an American citizen as shown by the record of his registration at the American Consulate-General, dated the fifth day of September, 1905, and that as such American citizen, he is subject to the jurisdiction of the American Consular Court, established under the authority of law (Sec 4083 U.S.R.S) and provide for by the treaties between the United States of American and the Empire of China.

I request that you designate some person on behalf of the United States to convey the said Ernest B.Horwitz, alias Ferguson, to Shanghai China, in the event of an extradition warrant being granted by the Governor of the State of Claifornia.

Due provision for the expense of the return of the alleged fugutive to the United States in the event of his innocence being established at his trail has been made.

I have the honor to be, Sir,

Your obedient servant

Jas L. Rodgers

American Consul-General.

In the Court of the American Consulate-General
For the Consular District of Shanghai,China,
Before James L Rodgers,Esq.
Consul-General,acting
judicially.

The United States of America

vs

E.B.Horwitz,
Defendant.

Frederick Hopkins being first duly sworn,on oath says and complains that E.B.Horwitz,a citizen of the United States,and within the jurisdiction of the United States and of this Court at Shanghai,China,on or about the 11th day of October,1905,feloniously and unlawfully did forge a certain check and order for the payment of money in form and figures as follows:-

"No.C.224337 Shanghai,11th October,1905.

Hongkong and Shanghai Banking Corporation
Pay Mr.E.B.Horwitz or order Taels nine thousand seven hundred and eighty cents fifty only.

For The Shanghai Pilot Boat Co.Ltd.
Wm.Paton
Geo?Gundry,Directors.
Tls 9780.50 F.Hopkins,Manager. "

Endorsed on back"E.B.Horwitz";with intent thereby then to defraud.

And the said Frederick Hopkins on oath as aforesaid,further complains that the said E.B.Horwitz did on or about the 11th day of October,1905,feloniously and unlawfully did offer and utter a certain forged check and order for the payment of money as setout above with intent thereby then to defraud--he,the said E.B.Horwitz then well knowing the same to be forged.

Frederick Hopkins

Subscribed and sworn to before me
this 18th day of November,1905.
Jas.L.Rodgers
Consul-General at Shanghai.

(Endorsed on cover) In the Court of the American Consulate General, Shanghai,China, Filed this 18th day of November,1905,at 3o'clock,PM
Chas.A.Engelbracht Clerk of the Court.

Empire of China
Consular District of Shanghai

I, James L. Rodgers, American Consul-General and Judge of the Court of the American Consulate-General for the Consular District of Shanghai, China, do HEREBY CERTIFY that I have compared the foregoing copy of a complaint with the original now remaining on file in this Court, and that the same are correct transcripts therefrom, and of the whole of said original.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 16th day of November, in the year one thousand nine hundred and five.

Jas. L. Rodgers

Consul-General and Judge of the Court of the American Consulate-General at Shanghai, China.

Empire of China
Consular District of Shanghai

I, James T. Rodgers, American Consul-General and Judge of the Court of the American Consulate-General for the Consular District of Shanghai, China, do HEREBY CERTIFY that I have compared the foregoing copy of a complaint with the original now remaining on file in this Court, and that the same are correct transcripts therefrom, and of the whole of said original.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 16th day of November, in the year one thousand nine hundred and five.

Consul-General and Judge of the Court of the American Consulate-General at Shanghai, China.

In the United States Court for the Consular District of Shanghai

Shanghai, November 18th 1905

THE UNITED STATES

vs Charge of forgery

Ernest B.Horwitz

To the Marshal of the said Court

You are hereby commanded to bring before me the body of Ernest B.Horwitz if found within this Consular Jurisdiction to answer upon a charge of Forgery

And of this Writ make due return.

Jas.L.Rodgers

U.S.Consul-General,

Judge.

Empire of China,
Consular District of Shanghai

I, James L.Rodgers, American Consul-General and Judge of the Court of the American Consulate-General for the Consular District of Shanghai, China, doHEREBY CERTIFY that I have compared the foregoing copy of a warrant with the original issued out of this Court and that the same is correct transcript therefrom and of the whole of said original.

IN WITNESS WHEREOF I have hereunto set my hand and official seal this 16th day of December, in the year one thousand nine hundred and five.

Jas. L. Rodgers

Consul-General and Judge of the Court of the American Consulate-General at Shanghai, China.

In the United States Court for the Consular District of Shanghai

Shanghai, November 18th 1908

THE UNITED STATES

vs. Charge of Forgery

Ernest B.Norwits

To the Marshal of the said Court

You are hereby commanded to bring before me the body of Ernest B.Norwits if found within this Consular Jurisdiction to answer upon a charge of forgery and of this writ make due return.

Jas.L.Rodgers

U.S.Consul-General.

Judge.

Empire of China,
Consular District of Shanghai

I,James L.Rodgers,American Consul-General and Judge of the Court of the American Consulate-General for the Consular District of Shanghai,China,DO HEREBY CERTIFY that I have compared the foregoing copy of a warrant with the original issued out of this Court and that the same is correct transcript therefrom and of the whole of said original.

IN WITNESS WHEREOF I have hereunto set my hand and official seal this 18th day of December,in the year one thousand nine hundred and five.

Consul-General and Judge of the Court of the American Consulate-General at Shanghai, China.

Empire of China,
Consular District of Shanghai,ss.,

Frederick Hopkins being first duly sworn on oath deposes and says that he is a resident of Shanghai in the Empire of China and that he is the resident manager of the Shanghai Pilot Boat Company, Limited,at Shanghai and has acted in that capacity since the 13th day of March,1905;that on the 19th day of September,1905,he employed one Ernest B.Horwitz,an American citizen,to act as Secretary of the said Shanghai Pilot Boat Company,Ltd.;that as such Secretary,the said Horwitz had access to all of the books of the said Company,including the bank and check books,and was familiar and conversant with the manner in which the said Company did its business;that it was the custom of the said Company to have its checks signed by two of the Directors and the Manager and that all of the checks in the said check book were signed in blank by the two Directors,leaving the check to be filled out and the signature of your affiant as Manager to be added;that it was the custom and the rule of the said Company to haveits pass book on the Hongkong and Shanghai Banking Corporation balanced at the end of each month but that at the end of October,1905,your affiant could not find the account or pass book and did not obtain a new one until about November 16th or 17th;that upon checking up said pass book,your affiant found the account of the Shanghai Pilot Boat Company,Ltd.,debited with the sum of nine thousand seven hundred and eighty taels and fifty tael cents,(Tls $9780.50), Shanghai sycee;that he thereupon at once made inquiries at the Hongkong and Shanghai Banking Corporation regarding this debit where he was informed that said debit amount represented the amount of a check purporting to be drawn by the said Shanghai Pilot Boat Company,Ltd., in favor of the above named Ernest B.Horwitz and paid throughthe Chartered Bank of India,Australia and China;that said check was produced by the said Hongkong and Shanghai Banking Corporation and shown to you affiant;that a true and correct copy of the same is hereto annexed,marked "Exhibit A" and made a part of this affidavit;that

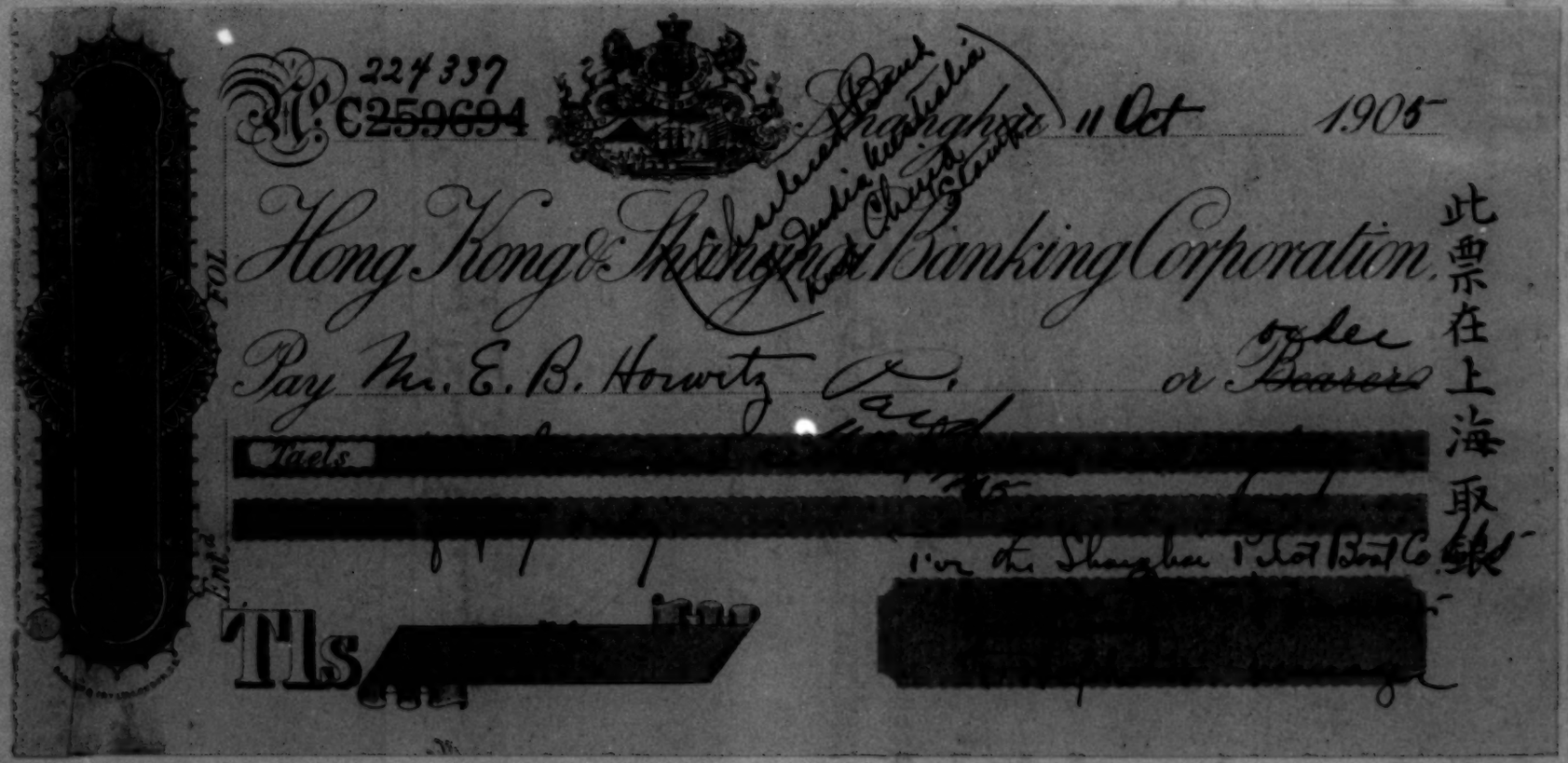
upon inspecting said check shown by the said Hongkong and Shanghai Banking Corporation, your affiant found that the signature "F.Hopkins" purporting to be his was not his; that your affiant never signed the said check; that your affiant believes that the said Ernest B HOrwitz abstracted the said blank check signed by two of the Directors of the said Shanghai Pilot Boat Company, Ltd., from the said check book and filled in the same with his name and the amount and forged the signature of your affiant thereto.

Frederick Hopkins

Subscribed and sworn to before me
this 16th day of December, 1905.

Jas. L. Rodgers

American Consul-General at Shanghai.



No. 224337
No. C259694
11 Oct 1905
Hong Kong & Shanghai Banking Corporation.
Pay Mr. E. B. Horwitz or Order or Bearer
Taels
Tls
此票在上海取銀

Empire of China,
Consular District of Shanghai,ss.,

Thomas Hallet Fraser being first duly sworn on oath,deposes and says that he is sub-accountant of the Chartered Bank of India,Australia and China at Shanghai in the Empire of China;that as such sub-accountant he is conversant with the business of said Bank;that on the 11th day of October,1905,oneErnest B Horwitz, an American citizen,opened an account with the said Chartered Bank of India,Australia and China by depositing a check for the sum of nine thousand seven hundred and eighty taels and fifty tael cents (9780.50),Shanghai sycee,puporting to be drawn by the Shanghai Pilot Boat Company,Ltd.,on the Hongkong and Shanghai Banking Corporation at Shanghai;that a true and correct copy thereof is hereto annexed,marked "Exhibit A" and made a part of this affidavit;that in the due course of business,the said check was presented to the Hongkong and Shanghai Banking Corporation at Shanghai for payment and that the same was duly paid by the said Hongkong and Shanghai Banking Corporation to the said Chartered Bank of India,Australia and China and by them credited to the account of the said Ernest B Horwitz;that subsequently and on various dates,the said Ernest B. Horwitz drew out all of said sum of nine thousand seven hundred eighty taels and fifty tael cents (9780.50) from the said Chartered Bank of India,Australia and China except the sum of thirty eight taels and fifty seven tael cents(38.57),Shanghai sycee,which is now standing to his credit in said account.

Subscribed and sworn to before me
this 16th day of December,1905.

T H Fraser

Jas L. Rodgers

American Consul-General at Shanghai


No. 224337
C259693
Shanghai 4 Oct 1905
Hong Kong & Shanghai Banking Corporation,
Pay Thos. E B Howell or Bearer
Taels
Tls
For the Shanghai Local Board
此票在上海取銀

Empire of China,
Consular District of Shanghai,ss.,

Edmond Duckworth Sanders being first duly sworn on oath deposes and says that he is a resident of Shanghai in the Empire of China and that he is the accountant of the Hongkong and Shanghai Banking Corporation at that place;that on the 11th day of October, 1905,a check for the sum of nine thousand seven hundred and eighty taels and fifty tael cents(Tls.9780.50),Shanghai sycee,purporting to be drawn by the Shanghai Pilot Boat Company,Ltd.,upon said Hongkong and Shanghai Banking Corporation was presented for payment by the Chartered Bank of India,Australia and China;that a true and correct copy of said check is hereto annexed,marked "Exhibit A" and made a part of this affidavit;that the said amount of nine thousand seven hundred and eighty taels and fifty tael cents (Tls.9780.50) was on the 11th day of October,1905,duly paid to the said Chartered Bank of India,Australia and China by the said Hongkong and Shanghai Banking Corporationand the account of the said Shanghai Pilot Boat Company,Ltd.,debited with the said amount.

Subscribed and sworn to before me
this 16th day of December,1905.

Jas. L. Rodgers

E. D. Sanders

American Consul-General at Shanghai.

Copy

224337

No C ~~31616~~

Shanghai 11th Oct 1905

Hong Kong & Shanghai Banking Corporation

Pay Mr E B Horwitz

or Bearer

Taels Nine thousand seven hundred and eighty four fifty cents

For the Shanghai Pilot Boat Co

Wm Paton
Geo Gundry
J Stephens

Manager

Tls 9780 50

Ent'd Fol

英商香港上海滙豐銀行

此票在上海取銀

Empire of China,
Consular District of Shanghai,ss.,

Charles A.Engelbracht being first duly sworn,on oath says that he is the United States Marshal for the Consular District of Shanghai,China;that a warrant for the arrest of one E.B.Horwitz on the charge of forgery was placed in his hands for service on or about the 18th day of November,1905;that he made diligent search for the said Horwitz within the Consular District of Shanghai but failed to find him;that upon information,he believes that the said Horwitz left the city of Shanghai on or about the 19th day of October 1905,on the steamship "Falk"for Vladivostock;that he afterwards left Vladivostock on the same steamship arriving at Kuratsu in the Empire of Japan on or about the 17th day of November,1905;that he was in the Empire of Japan at Kobe and at Kioto after that time under a name to your affiant unknown;that he left the city of Yokohama on the steamship"Korea" under the name of "Ferguson"on the 2nd day of December,1905;and that the said E.B.Horwitz is now a fugitive from justice.

Subscribed and sworn to before me this 16th day of December,1905.

Chas A Engelbracht

Jas L. Rodgers

Consul-General at Shanghai.

Consulate-General of the United States
at Shanghai,China.

I hereby certify that Charles A.Engelbracht is now and has been since January 9th.,1905,United States Marshal for the Consular District of Shanghai,China

Jas L. Rodgers

Consul-General of the United States at
Shanghai,China.

AMERICAN CONSULATE)GENERAL

Shanghai,China,Dece.16th,1905

TO THE HONORABLE

THE SECRETARY OF STATE

OF THE UNITED STATES OF AMERICA

WASHINGTON D.C.

Sir:-

I have the honor to request that requisition be made upon the Governor of the State of California for the surrender of Ernest B.Horwitz,alias Ferguson,charged by complaint,duly supported by affidavits,with the crime of forgery,committed in the city of Shanghai,on or about the 11th day of October,1905.

I hereby certify that the said Ernest B Horwitz,alias Ferguson,is an American citizen as shown by the record of his registration at the American Consulate General,dated the fifth day of September,1905,and that as such American citizen,he is subject to the jurisdiction of the American Consular Court,established under authority of law (Sec 4083 U.S.R.S.)and provided for by the treaties between the United States of America and the Empire of China.

I request that you designate some person on behalf of the United States to convey the said Ernest B.Horwitz,alias Ferguson, to Shanghai,China,in the event of an extradition warrant being granted by the Governor of the State of Claifornia.

Due provision for the expense of the return of the alleged fugitive to the United States in the event of his innocence being established at his trial has been made.

I have the honor to be,Sir,

Your obedient servant

Jas L. Rodgers

American Consul-General



In the Court of the American Consulate-General
for the Consular District of Shanghai,China,
Before James L Rodgers,Esq.,
Consul-General,acting judicially.

The United States of America

vs

E.B.Horwitz,
Defendant.

Frederick Hopkins being first duly sworn,on oath says and complains that E.B.Horwitz,a citizen of the United States,and within the jurisdiction of the United States and of this Court at Shanghai, China,on or about the 11th day of October,1905,feloniously and unlawfully did forge a certain check and order for the payment of money in form and figures as follows:-

"No.C.224337 Shanghai,11th October,1905.
Hongkong and Shanghai Banking Corporation
Pay Mr.E.B.Horwitz or order Taels nine thousand seven hundred and eighty cents fifty only.
For the Shanghai Pilot Boat Co.Ltd.
Wm.Paton,
Geo.Gundry,Directors
Tls.9780.50 F.Hopkins,Manager.
Endorsed on back "E.B.Horwitz";with intent thereby then to defraud.

And the said Frederick Hopkins on oath as aforesaid,further complains that the said E.B.Horwitz did on or about the 11th day of October,1905,feloniously and unlawfully did offer and utter acertain forged check and order for the payment of money as setout above with intent thereby then to defraud--he the said E.B.Horwitz then well knowing the same to be forged.

Frederick Hopkins

Subscribed and sworn to before me
this 18th day of November,1905.
Jas.L.Rodgers
Consul-General at Shanghai.

(Endorsed on cover) In the Court of the American Consulate-General, Shanghai,China. Filed this 18th day of November 1905 at 3 o'Clock PM
Chas A.Engelbracht Clerk of the Court.

Empire of China
Consular District of Shanghai.

I, James L Rodgers, American Consul-General and Judge of the Court of the American Consulate-General for the Consular District of Shnaghai, China, do HEREBY CERTIFY that I have compared the foregoing copy of a complaint with the original now remaining on file in this Court, and that the same are correct transcripts therefrom, and of the whole of said original.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 16th day of December, in the year one thousand nine hundred and five.

Jas. L. Rodgers

Consul)General and Judge of the
Court of the American Consulate
General at Shanghai China.

Empire of China
Consular District of Shanghai.

I,James L Rodgers,American Consul-General and Judge of the Court of the American Consulate-General for the Consular District of Shanghai,China,do HEREBY CERTIFY that I have compared the foregoing copy of a complaint with the original now remaining on file in this Court,and that the same are correct transcripts therefrom,and of the whole of said original.

IN WITNESS WHEREOF,I have hereunto set my hand and official seal this 16th day of December,in the year one thousand nine hundred and five.

Consul-General and Judge of the
Court of the American Consulate
General at Shanghai China.

In the United States Court for the Consular District of Shanghai

Shanghai, November 18th, 1905

THE UNITED STATES

vs Charge of forgery

Ernest B Horwitz

To the Marshal of the said Court

You are hereby commanded to bring before me the body of Ernest B. Horwitz if found within this Consular Jurisdiction to answer upon a charge of forgery And of this Writ make due return.

Jas. L. Rodgers,

U.S. Consul-General,

Judge.

Empire of China
Consular District of Shanghai,

I James L Rodgers, American Consul-General and Judge of the Court of the American Consulate-General for the Consular District of Shanghai, China, doHEREBY CERTIFY that I have compared the foregoing copy of a warrant with the original issued out of this Court and that the same is a correct transcript therefrom and of the whole of said original.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 16th day of December, in the year one thousand nine hundred and five.

Jas. L. Rodgers

Consul-General and Judge of the Court of the American Consulate-General at Shanghai, China.

Empire of China,
Consular District of Shanghai,ss.,

Frederick Hopkins being first duly sworn on oath deposes and says that he is a resident of Shanhai in the Empire of China and that he is the resident manager of the Shanghai Pilot Boat Company,Limited,at Shanghai and has acted in that capacity since the 13th day of March,1905;that on the 19th day of September,1905, he employed on Ernest B.Horwitz,an American citizen,to act as Secretary of the said Shanghai Pilot Boat Company,Ltd.;that as such Secretary,the said Horwitz had access to all of the books of the said Company,including the bank and check books,and was familiar and conversant with the manner in which the said Company did its business that it was the custom of said Company to have its cheks signed by two of the Directors and the Manager and that all of the checksin said book were signed in blank by the two Directors,leaving the check to be filled out and the signature of your affiant as Manager to be added; That it was the custom and rule of the Company to have its pass book on the Hongkong and Shanghai Banking Corporation balanced at the end of each month but that at the end of October,1905,your affiant could not find the account or pass book and did not obtain a new one until about November 16th or 17th;that upon checking up said pass book,you affiant found the account of the Shanghai Pilot Boat Company,Ltd.,debited with the sum of nine thousand seven hundred and eighty taels and fifty tael cents (Tls 9780.50),Shanghai sycee; that he thereupon at once made inquiries at the Hongkong and Shanghai Banking Corporation regarding this debit where he was informed that the said debit amount represented the amount of a check purporting to be drawn by the said Shanghai Pilot Boat Company,Ltd.,in favor of the above named Ernest B.Horwitz and paid through the Chartered Bank of India,Australia and China;that said check was produced by the said Hongkong and Shanghai Banking Corporation and shown to your affiant;that a true and correct copy of the same is hereto annexed,marked "Exhibit A" and made a part of this affidavit;that upon

Empire of China,
Consular District of Shanghai,ss.

Frederick Dopking being first duly sworn on oath deposes and says that he is a resident of Shanghai in the Empire of China and that he is the resident manager of the Shanghai Pilot Boat Company,Limited,at Shanghai and has active charge of its business. On the 12th day of March,1908,then on the 10th day of September,1908, he employed on Transit S.Horwitz,an American citizen,to act as secretary of the said Shanghai Pilot Boat Company,Ltd.;that as such secretary,the said Horwitz had access to all of the books of the said Company,including the bank and check books,and was familiar and conversant with the manner in which the said Company did its business that it was the custom of said Company to have its checks signed by two of the Directors and the Manager and that all of the checks said were signed in block by the two Directors,leaving the check to be filled out and the signature of your affiant as Manager to be added; that it was the custom and rule of the Company to have its pass book on the Hongkong and Shanghai Banking Corporation balanced at the end of each month but that at the end of October,1908,your affiant could not find the account or pass book and did not obtain a new one until about November 10th or 11th;that upon checking up said pass book,your affiant found the account of the Shanghai Pilot Boat Company,Ltd.,credited with the sum of nine thousand seven hundred and eighty taels and fifty cent cents (Tls 9780.50),Shanghai currency; that he thereupon at once made inquiries at the Hongkong and Shanghai Banking Corporation regarding this credit where he was informed that the said credit account represented the amount of a check purporting to be drawn by the said Shanghai Pilot Boat Company,Ltd.,in favor of the above named Transit S.Horwitz and paid through the Chartered Bank of India,Australia and China;that said check was produced by the said Hongkong and Shanghai Banking Corporation and shows to your affiant;that a true and correct copy of the same is hereto annexed,marked "Exhibit A" and made a part of this affidavit;that upon

inspecting the said check shown by the said Hongkong and Shanghai Banking Corporation,your affiant found that the signature"F.Hopkins" purporting to be his was not his;that your affiant never signed the said check;that your affiant believes that the said Ernest B. Horwitz abstracted the said blank check already signed by two of the Directors of the said Shanghai Pilot Boat Company,Ltd.,from the said check book and filled in the same with his name and the amount and forged the signature of your affiant thereto.

Subscribed and sworn to before me
this 16th day of December,1905.

Frederick Hopkins

Jas. L. Rodgers

American Consul-General at Shanghai.


英商香港上海匯豐銀行

No. 254337

No. C259692

Shanghai 11 Oct 1905

Hong Kong & Shanghai Banking Corporation.

此票在上海取銀

Pay Messrs. E. B. Kuwertz Esq. or Bearer

Taels One thousand seven hundred and eighty

cents fifty only,

For the Shanghai Pilot Boat Fund

Tls 1780.50

End. FOL

CBL

Empire of China,
Consular District of Shanghai,ss.,

Thomas Hallet Fraser being first duly sworn on oath deposes and says that he is sub-accountant of the Chartered Bank of India Australia,and China at Shanghai;that as such sub-accountant he is conversant with the business of said Bank;that on the 11th day of October,1905,one Ernest B Horwitz,an American citizen,opened an account with the said Chartered Bank of India,Australia and China by depositing a check for the sum of nine thousand seven hundred and eighty taels and fifty tael cents (9780.50),Shanghai sycee,purporting to be drawn by the Shanghai Pilot Boat Company,Ltd.,on the Hongkong and Shanghai Banking Corporation;that atrue and correct thereof is hereto annexed,marked "Exhibit A" and made apart of this affidavit; that in the due course of business,the said check was presented to the said Hongkong and Shanghai Banking Corporation for payment and that the same was duly paid by the said Hongkong and Shanghai Banking Corporation to the said Chartered Bank of India,Australia and China and by them credited to the account of the said Ernest B.Horwitz; that subsequently and on various dates,the said Ernest B.Horwitz drew out all of said sum of nine thousand seven hundred and eighty taels and fifty tael cents (9780.50) from the said Chartered Bank of India,Australia and China excepting the sum of thirty eight taels and fifty seven tael cents (38.57),Shanghai sycee,which is now standing to his credit on said account.

Subscribed and sworn to before me
this 16th day of December,1905.

T H Fraser.

Jas L. Rodgers

American Consul-General at Shanghai.


匯豐銀行
No. 224387
No. C259693
Shanghai 11 Oct 1905
Hong Kong & Shanghai Banking Corporation.
此票在上海取銀
Pay Mr. E.B. Howarth
or Bearer
Taels
Tls
7750 00
Ent.d
FOL
To: Hofheinz
Manager

Empire of China,
Consular District of Shanghai,ss.,

Edmond Duckworth Sanders being first duly sworn on oath deposes and says thathe is a resident of Shanghai in the Empire of China;and that he is the accountant of the Hongkong and Shanghai Banking Corporation at that place;that on the 11th day of October 1905,a check for the sum of nine thousand seven hundred and eighty taels and fifty tael cents (Tls.9780.50),Shanghai sycee,purporting to be drawn by the Shanghai Pilot Boat Company,Ltd.,upon said Hongkong and Shanghai Banking Corporation,was presented for payment by the Chartered Bank of India,Australia and China;that true and correct copy of said check is hereto annexed,marked "Exhibit A" and made a part of this affidavit;that the said amount of ninethousand seven hundred and eighty taels and fifty tael cents,(Tls.9780.50),was on the 11th day of October,1905,duly paid to the said Chartered Bank of India,Australia and China by the said Hongkong and Shanghai Banking Corporation and the account of the said Shanghai Pilot Boat Company,Ltd.,debited with the said amount.

Subscribed and sworn to before me
this 16th day of December,1905.

Jas L. Rodgers — E. D. Sanders

American Consul-General at Shanghai.


英商香港上海匯豐銀行
No. 224337
No. C259696
Shanghai 11 Oct 1905
Hong Kong & Shanghai Banking Corporation.
此票在上海取
Pay to
or Bearer
Taels
1905
for the Shanghai Branch
Tls

Empire of China,
Consular District of Shanghai,ss.

Charles A.Engelbracht being first duly sworn on oath says that he is the United States Marshal for the Consular District of Shanghai,China;that a warrant for the arrest of one E.B.Horwitz on the charge of forgery was placed in his hands for service on or about the 18th day of November,1905;that he made diligent search for the said Horwitz within the Consular District of Shanghai but failed to find him;that upon information,he believes the said Horwitz left the city of Shanghai on or about the 19th day of October, 1905,on the setamship "Falk" for Vladivostock;that afterwards he left Vladivostock on the same steamship arriving at Kuratsu in Empire of Japan on or about the 17th day of November,1905;that he was in the Empire of Japan at Kobe and at Kioto after that time under a name to your affiant unknown;that he left the city of Yokohama on the steamship "Korea" under the name of "Ferguson"on the 2nd day of December,1905;and that the said E.B.Horwitz is now a fugitive from justice.

Charles A.Engelbracht

Subscribed and sworn to before me
16th day of December,1905.

Jas. L. Rodgers

Consul-General at Shanghai,China.

Consulate-General of the United States
at Shanghai,China.

I hereby certify that Charles A.Engelbracht is now and has been since January 9th,1905,United States Marshal for the Consular District of Shanghai,China.

Jas. L. Rodgers

Consul-General of the United States
at Shanghai,China.

Vols (2)

Dec. 18. 56.

Leave space

2 pp

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_____, 190 .

Vol. 1770

Chief Clerk

DEC 1905
Secretary of State.
DEC 18 1905
BUREAU OF APPOINTMENTS
DEC 18 1905
Department of State.

TELEGRAM RECEIVED IN CIPHER.

From Shanghai

December 18th, 1905.

Rec'd. ~~9.28~~ A. M.

CHIEF CLERK
DEC
18
1905
DEPARTMENT
OF STATE.

Secretary of State,

Washington.

Rioting all morning. Police station burned probably 30 Chinese and several foreigners killed; many wounded. Volunteers and naval forces guarding streets. Quiet two o'clock. Great danger tonight Americans unharmed so far. Cruiser "Baltimore" and gunboat probably reach here tonight. Will telegraph later.

RODGERS.

INDEX BUREAU
JAN 17 1906
FILED

ciphered by the Chief Clerk's Office.

C. R. D.

BUREAU OF APPOINTMENTS
DEC. 19 1905
Department of State.

Secretary of State.
DEC 19 1905

TELEGRAM RECEIVED IN CIPHER.

From Shanghai

December 19th, 1905.

Rec'd. 1:05 P. M.

Secretary of State,

Washington.

Disturbances to-day, few casulties. Naval forces volunteers several nations controlling. American vessels expected to arrive in the morning. Chinese authorities endeavoring to suppress rioters. Quiet now. Reports of impending trouble Soochow. Authority is requested to incur expense to provide for relief outpost Americans in case of necessity.

RODGERS.

INDEX BUREAU
JAN 18 1906
FILED

Ciphered by ~~the Chief Clerk's Office~~

C. R. D.

DEC 19 1905
Department of State.

Tel. C.G. Shanghai Dec 2/05

TELEGRAM RECEIVED IN CIPHER.

Secretary of State,
DEC 19 1905

From Shanghai

December 19th. 1905.

Rec'd. 5:59 A. M.

CHIEF CLERK
DEC
20
1905
DEPARTMENT
OF STATE.

Confdl
Ans'd
Dec 27/05

Secretary of State,

Washington.

Ernest Horwitz under arrest San Francisco at our request: forgery. Papers have been forwarded Department of State. Please aid to secure return fugitive.

RODGERS.

INDEX BUREAU
DEC 28 1905
FILED

Deciphered by ~~the Chief Clerk's Office,~~

S. H. Q.

Secretary of State, DEC 20 1905

CONSULAR BUREAU DEC 20 1905

BUREAU OF APPOINTMENTS DEC 20 1905 Department of State.

TELEGRAM RECEIVED IN CIPHER.

From Shanghai

December 20th, 1905.

Rec'd. 10:34 A. M.

Secretary of State,

Washington.

Cruiser Baltimore landed 150 men this afternoon. Large British demonstration navy army probable. Japanese, German, Austrian cruisers coming. Quiet to-day but only on account armed forces controlling. Mixed Court still closed. Chinese authorities trying to make a compromise but still demand removal British Assessor; English refuse. No report of trouble outports but missionaries alarmed: many reaching Shanghai.

RODGERS.

INDEX BUREAU JAN 17 1906 FILED

~~Ciphered by the Chief Clerk's Office,~~

S. H. Q.

Encl 1

CONSULAR BUREAU RECD JAN 23 1906 DEPT OF STATE

3rd ASST. SECRETARY JAN 29 1906

No. 83.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, December 22nd , 1905.

CONSULAR BUREAU FEB 9 1906 DEPARTMENT OF STATE

ASSISTANT SECRETARY, FEB 2 1906

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

CHIEF CLERK JAN 29 DEPARTMENT OF STATE.

SUBJECT:

Ack Feby 7/06

The riot in Shanghai.

ABSTRACT OF CONTENTS:

Reporting details and cause of Chinese riot in Shanghai, December 18th 1905; also reference to the outport conditions.

INDEX BUREAU FEB 8 1906 FILED

Shanghai

CONSULAR BUREAU
DEC
27
1905
DEPARTMENT of STATE

Granted 4 Holy
Dec 28.05

R .F.D .No.1,
Annapolis, Maryland.
December 22, 1905.

on. D. H. Peirce,
Third Ass't Secretary,
Depa rtment of State,
Washington, D.C.

ir,

I have the honor to report improvement in health, nd that I intend to return to my duties as Interpreter at hanghai. I expect to start for China early in ebruary Next, or as soon as I have completed work on a botnical collection for the Smithsonian Institution.

I have the honor to be, Sir,
Your obedient servant,

Stephen P. Barchet

BERKSHIRE

OFFICE OF THE
THIRD ASSISTANT SECRETARY.

ASSISTANT SECRETARY,
FEB 2 1906
CONSULAR BUREAU.

Mr Bacon
Then to Con

Acknowledge &
Commend.
H. H. D. L.

No. 83.

AL,

ber 22nd , 1905.

THE HONOR

THE

C.

SIR:

following

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The disturbing conditions incident to the dispute between the Chinese and the Municipal authorities over the Mixed Court gave no evidence of more serious trouble until the morning of December 18th. The preceding day was quiet and normal in every respect, it being marked as a great event with the Chinese by the fact that the High Imperial Commission had reached Shanghai on their way to America and all local officials were engaged in entertaining them. On the evening of the 17th, however, placards appeared in sections of the city little frequented by foreigners, advising a close of business on the succeeding day, and during the nights the merchants of the principal streets of the city were visited and told to keep their shops closed in the morning. Had this action been known to the foreign population it would have excited great uneasiness because such conduct on the part of the Chinese is always interpreted

No. 83.

[redacted]

SHANGHAI, CHINA, December 22nd , 1905.

THE HONORABLE Robert Bacon,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to make the following report concerning the recent riots in Shanghai. Confirmations of all telegrams relating to this affair, sent to the Department, have been given in other despatches.

The disturbing conditions incident to the dispute between the Chinese and the Municipal authorities over the Mixed Court gave no evidence of more serious trouble until the morning of December 18th. The preceding day was quiet and normal in every respect, it being marked as a great event with the Chinese by the fact that the High Imperial Commission had reached Shanghai on their way to America and all local officials were engaged in entertaining them. On the evening of the 17th, however, placards appeared in sections of the city little frequented by foreigners, advising a close of business on the succeeding day, and during the nights the merchants of the principal streets of the city were visited and told to keep their shops closed in the morning. Had this action been known to the foreign population it would have excited great uneasiness because such conduct on the part of the Chinese is always inter-

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Dublin Jaunt.

preted as to the forerunner of a disturbance. The large majority of the foreign population and apparently but few of the municipal authorities knew of the matter until the morning of the 18th, when upon all the principal business streets it was seen that there was an absolute suspension of business, indicating that the Chinese had gone on a general strike, as it is called here, meaning thereby to testify not only their disapproval of foreign methods but also of those of their own officials. Thousands of the rough element of the Chinese were brought over from Pootung, the city which lies across the Whangpoo River from Shanghai, and it is understood that these were liberally supplied with liquor of various kinds and were told that a general movement against the foreigners was to be inaugurated. It is asserted with every color of truth that these rowdies were imported into Shanghai by the order of the principal guilds, it being supposed that such action would go a long way towards terrifying the foreign population and bringing the municipal authorities to terms. This element, joining with the masses from the densely populated streets not only of the International and French Settlements but of the Native City, began moving toward Nanking Road, the great central artery of travel between the foreign resident district of the west side and the Bund. They were not long in getting to work. The Louza police station, situated just off Nanking Road and about one mile from the river front, was the objective point, it being known that many Chinese prisoners were confined there owing to the suspension of the Mixed Court. A mob began an attack upon this station shortly after nine o'clock, it being the first evidence of the real intent

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of the Chinese. Prior to this incident the great throngs of coolies along Nanking Road had contented themselves with hooting and jeering at the foreigners. The crowd around the police station speedily broke down all barriers, battered in the walls of the prison portion of the building and released the prisoners, and then turned their attention to the building in which some of the police are quartered. The police had been instructed by telephone not to use their arms, and as a consequence the Chinese in overpowering numbers speedily forced a way into the barracks where they began to demolish everything. It was only a few minutes until the building was set on fire, several of the police officers being shut up in a small room. Through a window which opened upon the street the Chinese attacked these with large bamboo poles, jabbing and striking at the officers who by this time were almost suffocated by the smoke of the burning building. The police began using their revolvers, and finally breaking down the door leading to an office room, fought their way out through the flames. A volunteer force and a detachment of Sikh policemen having arrived by this time, the mob was fired on and quickly dispersed. While this scene was taking place, another portion of the mob directed its attention to the Annex of the Metropole Hotel, which in a very short space of time was thoroughly looted and partially burned. Another section attacked the premises of the International Cycle Company, and after losing several of their number by the defense from within, forced the doors and began looting, all the sporting guns, ammunitions and bicycles being taken. The occupants of this store escaped by the rear and with many other foreigners took refuge in the town hall which

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is near by. The mob next attacked that building, and after breaking the windows were only repulsed by means of a continuous fire from the interior. The Chinese were now wild with excitement and were sweeping up and down Nanking Road like furies, assaulting and trying to kill all foreigners who were abroad, and in many instances endeavoring to loot Chinese stores. By this time a large landing party from the British warships "Bonaventure" and "Astrea", first class cruisers, and the "Clio", a gunboat, was on shore and on the way to meet the mob. The volunteer force of Shanghai, which is composed of about six hundred men, nearly all of English nativity, was afield and was driving the mob back in many places. The foreign and Sikh policemen, who numbered about two hundred, had gathered from all parts of the Settlement and by good management these forces were placed so that the mob found themselves opposed by guns at many quarters. The firing soon became general and the major part of the rioters melted away, although on account of the vast numbers of the Chinese participating it took a comparatively long time for the streets to become depopulated. It is no exaggeration to state that the Chinese more or less engaged in this matter numbered not thousands but tens of thousands many times over, but very few of them had fire arms, the vast majority being armed with clubs, bamboos, stones, brick bats and knives. By twelve o'clock the firing had practically ceased although minor disturbances were occurring in many parts of the city. The foreigners, many of whom were prevented from leaving the residence district, took refuge with their families in country clubs and large buildings of various kinds.

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The better class of the Chinese disappeared as if by magic, the densely populated streets with their teeming shops being apparently deserted. Few of the thousands of ricshas were to be seen and carriages vanished. By two o'clock the city was quiet and that condition continued through the afternoon. At nightfall, when it was expected that the Chinese would swarm into the main streets of the International Settlement again, there were few abroad, this being because all the war ships in the harbor had landed reenforcements and the foreigners had armed themselves as well as possible and were patrolling the streets. It was an anxious night but it passed without much disturbance, there only being a few shots fired. On the 19th at nine o'clock the trouble began again, comparatively small parties of the Chinese venturing into the streets presumably more for the sake of prospective loot than for aggression against foreigners. Encounters began to take place between these and the armed forces, and for a time it was feared that the scenes of the day before were to be repeated. However, this crisis was also passed, and under the stern control of nearly fifteen hundred sailors, marines and volunteers, Shanghai has lived quietly since.

The casualties resulting from these incidents have been almost impossible to estimate accurately owing to the fact that the Chinese mob speedily carried away all the dead and wounded and the funerals have been in secret for fear of being identified with the disturbance. It is thought, however, by the police that at lease thirteen Chinese were killed outright or have died since, and that the number of wounded amounted to

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perhaps five times that number. Of the foreigners it was supposed at first that several had been killed but with the return of peace it was discovered that while one was fatally injured there had been no deaths. The wounded, however, were numbered by the score, most of the injuries consisting in severe bruises, cuts and broken limbs. Property to the extent of perhaps one hundred thousand dollars was destroyed. Such conclusions when considered in the light of the spirit of the occasion on the part of the Chinese, and in view of the fact that the Chinese outnumbered the foreigners at least one hundred to one, are to be deemed as somewhat remarkable, it illustrating, however, the great difference between an unarmed mob and a body of men under discipline.

On the 19th the foreign forces were strengthened by the landing of Japanese, German and Italian sailors, and on the 20th the United States Cruiser "Baltimore", which had just arrived at Woosung, sent the gunboat "Villalobos" up stream to Shanghai with a landing party of one hundred and fifty five men. The arrival of an Austrian cruiser and also of a Japanese, German and French, gave still further reserve force. In addition it was known that the British Cruiser "Andromeda", with two torpedo boat destroyers, had been telegraphed for to Hong Kong, which would provide several hundred more men. With such protection the nervousness as to the conditions disappeared and the Chinese were convinced that it was useless to offer opposition. As is apparently customary in such matters, the peculiarity of the Chinese character from the foreign point of view immediately asserted itself, for the very people who had been urging the Shanghai Taot'ai

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and the Chinese authorities generally to resist so-called foreign aggression then began to blame the officials for having permitted such a disturbance to take place. It is well known that some of the guilds, and especially the Cantonese, were largely, if not entirely, responsible for the order to suspend Chinese business. Further, it is an established fact that money for the use of those who organized the mob was furnished from these sources. Under the stress of these conditions the Shanghai Taot'ai, who several days before had haughtilywaived aside all proposals for a friendly discussion of the Mixed Court trouble and who had demanded things which could not be granted by the representatives of the foreigners, appealed to the Consular Body to help him out of his difficulty, stating that if he now yielded to the prayers of the Chinese merchants and restored order and the old state of affairs by reopening the Mixed Court, he would be mobbed, his yamen burned, and himself ruined in the eyes of his people generally. The Mixed Court dispute, which has been reported in a despatch preceding this, being the sole cause of this outbreak on the part of the Chinese, became as a matter of course the main point of contention in the discussion of a settlement between the Chinese authorities and the Consular Body representing the foreigners. The removal of the British Assessor, Mr. Twyman, the punishment of the police who had participated in the fracas in the Mixed Court on December 8th, and the banishment from the Mixed Court of certain police inspectors to whom the Chinese objected, were the terms proposed, but as the British Foreign Office has instructed the British representatives in Peking

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representatives of the foreigners, appealed to the Consular Body to help him out of his difficulty, that it be now yielded to the purpose of the Chinese authorities and restored order and the old status by reopening the Mixed Court. He would be exiled, perhaps buried, and himself ruined in the eyes of his people generally. The Mixed Court dispute, which has been reported in a correction preceding this, being the sole cause of this outbreak on the part of the Chinese, became as a matter of course the main point of discussion in the discussion of a settlement between the Chinese authorities and the Consular Body representing the foreigners. The removal of the Chinese Judge, Wu. Tsyuen, the punishment of the police who participated in the firing in the Mixed Court on December 1st and the punishment from the Mixed Court of the police inspectors to whom the Chinese objected, the terms proposed, but as the British Government instructed the British representative

and Shanghai not to yield in relation to Mr. Twyman, and as the Diplomatic Body at Peking had given the Consular Body of Shanghai instructions that there were to be no amendments and alterations of Mixed Court procedure until the question of the new rules was settled between the Waiwupu and the Diplomatic Body, there could be no acquiescence in the Taot'ai's demands. The result of it all was that the Taotai, in expectation of the arrival of Viceroy Chou Fu who had been ordered from Peking to go to Shanghai, there to investigate the difficulty and to punish the offenders, consented to reopen the Court, and thus from a foreign standpoint closed the incident. It is very probable, however, that it is far from completed on the Chinese side if the temper of the rioters against the Chinese authorities is now as strong as it is against the foreigners. It is more than probable that as a result of this incident Yuan, Taot'ai of Shanghai, will be removed or will be transferred to some other place. If he escapes without personal injury or damage to his property from his own people it will only be because the Viceroy will find some way of appeasing the wrath of the people. It is almost certain, however, that the Taot'ai himself will be called upon to pay to the foreigners the damages sustained by the riot and this will be no small drain upon his purse.

The effect of this riot and of the matter in general will assuredly be in the way of lessening any degree of Chinese control over affairs which are connected in any way with either the International or French Settlements. It has been contended for some time that Chinese sovereignty extended to all Shanghai outside the Native City, and as a matter of fact it is

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so provided for in the treaties, but the development of foreign interests and the great increase in Shanghai population, both foreign and Chinese, have caused a change of public sentiment in that respect and, as a consequence, many of the Chinese are as anxious to get rid once and for all of Chinese control as are the foreigners. The Chinese recognize the advantages of living under a government like that of the International Settlement, and while many of them have joined with their people in protesting against the somewhat arbitrary methods of the Municipal Council, they nevertheless have had little sympathy with the Chinese official processes as expressed by the Mixed Court. The necessity for a change of the rules of the Mixed Court has been conceded by nearly all the well-to-do Chinese, and were it not for the dominating influence of the guilds, which are prone to make a general cause out of a trivial individual grievance, there would be little, if any, opposition. As a consequence of all this it is easy to observe that the Chinese of property think that benefit has been derived from the riot and many do not hesitate to so express themselves publicly. Some of the foreign population are determined that these disturbances in Shanghai shall mark the end of the Chinese control of the Settlements, but others, aside from British, do not take kindly to any proposition which means supervision entirely English. In the days succeeding the riots the wildest rumors were afloat as to what it meant, some foreigners charging plainly that the whole event was the outcome of a conspiracy on the part of the British to gain control of Shanghai with the purpose of making it akin to Hong Kong. There is no attempt on the part of the British to conceal their

desire

desire to enact some such program but it is recognized by them to be impossible in view of the treaties and the large population of other nations established here in business and by residence. Among the statements which are made concerning the cause of the Mixed Court trouble and its contingent incidents, one stands out clearly as an undoubted truth, and that is that the Municipal Council of Shanghai was largely responsible in forcing this issue as to control of the Mixed Court. The question had been a mooted one for months and years and the solution appeared no nearer than ever before. Only by precipitating a crisis which would bring the whole matter to the attention of the Waiwupu at Peking and compel action did it seem possible to make the points striven for. When the true history of this matter is given, therefore, it will doubtless be found that the Mixed Court trouble, rather than having been inspired by the Chinese, as some of the English now claim, was the result of a deliberate purpose on the part of the Municipal authorities. There was a great deal of idle talk about the riots being directly attributable to anti-foreign feeling. Such anti-foreign feeling as was exhibited by the Pootung coolies and by the Shanghai roughs is always, if not in evidence, in suppression. But when it is stated that the vast mass of the Chinese in Shanghai have been indulging in anti-foreign sentiments, there is little respect to be given to the opinion. The American boycott feeling has undoubtedly excited some resentment against foreigners, but one incident like that of the Mixed Court, in which it was represented to the Chinese that their interests and their rights being trampled upon by the foreigners,

did

did more to stir up resentment and anti-foreign feeling than all the causesof the recent past combined. One thing to prove such a conclusion is the fact that during the period of discussion before the riots many of the Chinese who had been the most bitter in the American boycott, publicly stated that the Americans, despite their treatment of the Chinese in America, were infinitely better friends than the English.

However, since my last report concerning the boycott and anti-foreignism was made there have been events which might indicate that the professions of the Viceroy at Nanking and the assurances of other Chinese officials were more or less in the nature of grim jokes. It is now known that within forty-eight hours after the Viceroy had assured me that no boycott feeling would be allowed to exist a large meeting in accordance with placards which had been posted the day before was held in Nanking, and furthermore, that boycott sentiment reappeared in force at Soochow. However, neither of these incidents displayed much anti-foreignism, and as far as the boycott is concerned they were accepted by the people only as vaporings of the students who are industriously trying to keep the issue alive, and who in Nanking seized upon the opportunity to give renewed expression to their views on account of the fact that a party of American officials had just visited the Viceroy to talk about this subject among others. While, therefore, in the light of these events at Shanghai and elsewhere it may appear that my recent statements as to the boycott and anti-foreignism were lacking in accuracy and in perception, it can be seen that such a view is hardly just because with the Shanghai troubles and their natural effect eliminated there

would

would be little additional to say. But with the [illegible] news of the rioting in Shanghai and the killing of Chinese flying abroad, there immediately came a condition in various places which boded danger. Soochow is unquestionably the headquarters of the boycott discussion in this region at the present time. Meetings have been held there repeatedly and each Sunday a large crowd assembles to hear the students' upon the question. Furthermore, instances of American goods having been refused have been reported, and events which could well be construed as antagonistic to foreigners generally have been observed. Soochow being only eighty-five miles up Soochow Creek and the Grand Canal from Shanghai, the reports of the riots here, greatly exaggerated, reached there, and as a result the missionary population which numbers perhaps one hundred, became greatly alarmed. Soochow missionaries, who were in Shanghai, immediately came to me to ascertain how they could be aided to escape in event of anti-foreign riots breaking out, there being absolutely no foreign protection. There could be no satisfactory answer to such a question and therefore they were advised to send the women and children at least to Shanghai, here to await the development of events. This advice has been followed to a great extent and several families have reached this city, here to remain for the present. The question of affording relief to the American missionary population in places like Soochow, Huchow, Kashing, Shaohsing and Hangchow has been a matter of anxiety, it not being known what would result when the news of the Shanghai affair reached there. In consideration of the helpless condition of these people under any anti-foreignism

that

9

that may arise, and after many consultations with the missionaries of Shanghai, I wired the Department asking for authority to incur expense to provide for the relief of the outport Americans in case of necessity, and in reply received the permission desired, for which I am grateful. I sincerely hope that such necessity will not arise but in event of it coming I have made preparation for chartering steam launches and house boats which, could undoubtedly effect the service demanded. This situation, it seems to me, makes apparent the virtue of a suggestion which I made to the Department some months ago, namely, that of providing this Consulate General with a steam launch of adequate size for use not only in the harbor here and in commercial inquiry work upon the rivers and canals, but also for estalishing a closer communication between these outport Americans, who naturally look to their country's representation in Shanghai for aid and assistance in time of trouble.

The latest reports received from the missionary stations are reassuring although it is stated that the Chinese are greatly excited by the news from Shanghai. If there is any outbreak against Americans it will probably come either at Soochow, for the reasons above stated or at Huchow, where the missionaries of the Methodist Church have incurred the enmity of the Chinese authorities and people on account of a long continued and bitter dispute over the ownership of some land. Every effort has been made to settle this difficulty but apparently without success as neither side is willing to make the concessions necessary to insure an end to the discussion. The Foreign Bureau of the Province of Chekiang recently notified Mr. Cloud, the

Vice

Vice Consul in Charge at Hangchow, that under a continuance of the attitude of the missionaries upon the land question the "impatience of the people could not be restrained much longer", which means that the Chinese will some day take the law into their own hands. I have represented to the missionaries at Huchow and to their associates in Shanghai the gravity of this situation and have requested them to do their best to bring about an amicable agreement.

One good result likely to ensue is that the foreign population will now be a unit upon the question of suppression of any boycott on the goods of America or any other nation. Those who talk most about anti-foreignism ascribe the incentive to the American boycott and as a sequence assert that the Chinese must be given to understand that no further talk or action along boycott lines will be tolerated. The Consular Body as a whole will make this representation not only to the Taot'ai, whoever he may be in the future, but also to the Viceroy, and will do it in the very strongest terms. The time is opportune for such declarations because the Chinese will not soon forget the loss of face which has arisen through the condition just ended. All classes of the Chinese, from the guilds down to the coolies, feel this and it is hardly to be expected that the boycott agitation can gain much strength again without the fear of vigorous and united foreign interference.

The United States Cruiser "Baltimore" is now anchored at Woosung but will, in all probability, come up the river to the Shanghai anchorage in a few days and will remain for some weeks to come. The gunboat "Villalobos" which is now in Shanghai, will also remain. The "Elcano",

gunboat

Dept.#02--16.

gunboat, is at Chinkiang and the "Quiros" at Kiukiang. It is probable that a cruiser will come from Manila to take, the place of the "Baltimore" for coast duty during her stay at Shanghai.

In concluding this report I beg to say that as soon as I could reach the Consulate on Monday I wired Commander Sargent of the U. S. S. Baltimore at Chinkiang, informing him of the trouble in Shanghai and requesting the presence of his ship as soon as possible; then sent telegrams to the Minister, advising him of the situation and of my request to Captain Sargent; to the Department, and to all consulates within my district, telling of the riots in progress and requesting them to notify Americans. The days and nights immediately passed have been exceedingly busy ones for me as a large number of refugees had to be provided for, and in addition, as a member of a committee of the Consular Body appointed to treat with the Chinese authorities, I have been compelled to put in every spare moment. I am happy to be able to report that no American property suffered by the mob. Several Americans were assaulted and robbed but the injuries were slight and the property loss insignificant. It is my earnest hope that affairs in Shanghai will now assume a tranquil state, as it seems to me that this city and foreign population have had more than a fair share of troublesome events in a time of peace.

I have the honor to be,

Sir,

Your obedient servant,

John L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

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I have the honor to be,

Sir,

Your obedient servant,

AMERICAN CONSUL GENERAL.

TELEGRAM RECEIVED IN CIPHER

Secretary of State.
DEC 23 1905

BUREAU OF APPOINTMENTS
DEC 23 1905
Department of State.

From Shanghai,
December 23, 1905.
Received 7.17 A.M.

CHIEF CLERK
DEC
26
1905
DEPARTMENT
OF STATE.

Secretary of State,

Washington.

Normal. Mixed Court open.

RODGERS

Deciphered by ~~the Chief Clerk's Office~~
S.H.Q.

CONSULAR BUREAU FEB 2 1906 DEPARTMENT OF STATE

RECD. JAN 23 '06

CONSULAR BUREAU.

3rd ASST. SECRETARY. JAN 29 1906

No. 84.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, December 23rd , 1905.

CHIEF CLERK JAN 29 1906 DEPARTMENT OF STATE.

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

SUBJECT:

Horwitz Case.

Answered Feby 6/06

CONSULAR BUREAU FEB 2 1906 DEPARTMENT OF STATE

ABSTRACT OF CONTENTS:

Ack. receipt of telegram from The Hon. The Secretary of State in relation to the Horwitz case and explaining the reason for the action of this Consulate General in the matter.

re your requisition for the extradition to the Consular Court at Shanghai of one Horwitz.

INDEX BUREAU FEB 1 1906 FILED

No. 84.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, December 23rd , 1905 .

THE HONORABLE Robert Bacon,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to acknowledge receipt of the telegram from the Honorable The Secretary of State, reading:

Washington, Dec. 23rd, 1905.
"Rodgers, American Consul,
Shanghai.
United States Government cannot send Horwitz to China without his consent to be tried for a crime there committed. There is no authority for your action.
Root."

Upon receipt of this the police department at San Francisco was immediately wired to release Horwitz. I can only say in explanation that the action in the case was taken upon the earnest solicitation of the business men of Shanghai and to determine whether a person charged with a crime committed in China could not be returned here from the United States for trial. Horwitz apparently is guilty of a flagrant offense against a laws of all nations and for the future protection of this community I was urged to act. I consented to do so but stated plainly to the officials of the Hong Kong & Shanghai Bank who are prosecuting that unless Horwitz consented to return I did not believe he could be compelled to do so. Local American attorneys

however

however took another view of the matter.

Within the last three months there have been two instances which have reflected seriously upon Americans. J. M. Pavitt, an American, decamped with 17500 Mexican dollars belonging to a Russian. Pavitt is now living at the Grand Hotel, Yokohama. Horwitz, besides obtaining by forgery, as alleged, about $6500 gold, is also reported to have embezzled about 1200 taels at Vladivostock, to which place he went from Shanghai.

I beg to offer thanks for the prompt advice in this matter and to express regret for any trouble caused.

I have the honor to be,

Sir,

Your obedient servant,

John L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

I have the honor to be,

Sir,

Your obedient servant,

AMERICAN CONSUL GENERAL.

A.T.S.

No. #

FILE & BUREAU RECD. JAN 31 '06 DEPARTMENT OF STATE

3rd ASST. SECRETARY. FEB 6 1906

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, December 29th , 1905.

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

CHIEF CLERK FEB 6 1906 DEPARTMENT OF STATE.

SUBJECT:

Law Reports.

ABSTRACT OF CONTENTS:

Transmitting reports of two Consular court cases.

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INDEX BUREAU FEB 8 1906 FILED

No. 4

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, December 29th , 1905 .

THE HONORABLE Robert Bacon,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to transmit herewith two law reports, namely: U. S. v. John Brown alias Walter Montgomery, and River Police v. Antony Tibbens.

I have the honor to be,

Sir,

Your obedient servant,

Jas. L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

Enclosures: 2 law reports as stated.

AMERICAN CONSULAR COURT.

Shanghai, 28th November.
Before the Hon. JAMES L. ROGERS,
Consul General.

SOLD HIS COAT.

John Brown alias Walter Montgomery, unemployed, was charged with being drunk and disorderly in the Tiendong Road about 3.20 p.m. on the 27th inst.

Inspector Bourke stated the circumstances of the case, in the course of which it was shown that the accused had been arrested on several occasions and had been released as he said he was going to join his ship. This was found to be untrue.

Indian P.U. 182 gave evidence of the arrest.

The accused said he had sold his coat yesterday in the coffee house and that accounted for the papers with the name Walter Montgomery on them. He had means of support. He had $1 in his clothes and he could get a bed for that in Scott Road.

To be locked up and efforts made to get a ship for the accused.

American Consular Court.
Shanghai, 28. November 1905
Before the Hon James L. Rodgers.
Consul-General

IMPERSONATING AN OFFICER.

Anthony Tibbens, of the Standard Oil wharf, was charged with attempting to extort $10 Mexican from the crew of a Tsungming junk, lying anchored in the lower section of the harbour, at 11.30 p m. on the 14th inst. Also with stealing a bale of cotton valued at $30 from the same junk at the same time and place.

T. Mellows, of the River Police, conducted the case for the prosecution, and Mr. L. Andrews and O. Cainadan appeared for the defence.

T. Mellows said that on the 14th inst. a Chinaman came to the Police Hulk with a paper looking for a bale of cotton. He said that a River Police constable came on board his junk and fined him $10 for not having a light on his junk. Witness investigated the matter and finally he traced the matter to Tibbens of the Standard Oil wharf.

Mr. L. Andrews, said he appeared in the case on behalf of Mr. O. Cainadan, who was a French lawyer. Counsel would like to ask that all the Chinese witnesses be excluded from the examination. This was accordingly done.

Hsia Tsung Ming, cautioned, said that on the date mentioned he was laodah of the Standard Oil launch as the real laodah was going to get married. On Saturday night they were on a launch from the Nanking Road jetty going north to Yangtzepoo. They passed the junk in the river. The master of the launch told witness he could not sail the launch and undertook to show him. When the launch reached Yangtzepoo, witness saw a Chinese junk alongside Yangtzepoo without lights. The master said go alongside the junk and witness enquired the reason. Witness told him it was not his business. It was Customs business. The master went on board and asked for ten dollars and the junk people said they had no money. The master then took a bale of cotton and put it on the launch. On reaching the oil wharf witness received orders to take the cotton to the master's house. The launch then returned to the Nanking Road jetty about twelve o'clock. He did not see the master in Court.

By Mr. Andrews—The launch belonged to Mr Bentley. A man from the godown was on the launch. The master and a lady came up river in the launch. The master and missis were on the launch when they went to the junk. There were many junks at Yangtzepoo. He did not see them going down river. The launch was going with the tide. Some of the junks had no lights. The launch stopped alongside one junk. She was near the side of the river. When the launch approached the junk the master went to the front and as he could not speak Chinese he told witness to sing out to the people. They were all asleep and he had to sing out three times before they woke up. The master then went on board and witness stood close by and the master said they would have to go to the Customs police for not having lights up. They refused to go. He then asked for the owner and the crew said he was not on board. The master then said he would have to take the junk and report the matter. At first the master asked for ten dollars or the junk would have to go to the Customs. He witness understood a little English. He was a loadah in the employ of the Russo-Chinese Bank. He had been on the river about ten years. He knew the Customs Police. He knew the master was not employed in the Police and that was why he advised him not to bother the launch. As soon as the master took the cotton he told witness not to say anything about the matter. The master said the junk would be fined ten dollars Witness had never been locked up. Witness did not tell the Customs people about the matter. A man at the oil wharf asked him about the matter but he said nothing. He said nothing at any time about the matter to the Inspector of Police. He came to give evidence as he had been sent to the Customs and kept locked up for one night. He came here from gaol. The Inspector told witness the story and asked him if it was true and witness said yes it was true.

His Honour said they were not gaining much from the witness.

Miao Tsung, cautioned, said he was also on the launch in the engine room at 11.30 p.m. He heard the launch stop and he thought they had arrived at the wharf. He came out and saw the master speak to the junk and tell them to make a light. The junk was close inshore. The tide was running strong and the launch also ran close to the shore. The master said make light or be fined ten dollars. The crew said the master was in Shanghai and the had no money. The master then took the cotton.

By Mr. Andrews—I was told by the laodah what had occured.

By Insp. Mellows—The statement produced was made by me to my master before I saw the police.

His Honour said the statement was perfectly worthless as the witness had testified that he had not seen the affair himself.

Sau Hai, cautioned, said he was a fireman on the launch. He heard the conversation between the master and junk people. The foreigner on the launch was drunk. The foreigner took a knife and cut one of the strings on the cotton.

By Insp. Mellows—I was on deck when the launch stopped.

By Mr. Andrews—The launch stopped and I went on deck. I saw some cotton coming on board the launch.

Kashin Singh, a watchman, called, began to talk in Hindustani and was told to stand down.

J.B. Lansberg, sworn, said he was a sergeant in the river police. He went to the wharf with the Inspector to make the arrest. When leaving Mr. Bentley's office accused asked witness if it was about the cotton. Witness said yes and asked where it was. He replied that it had been taken away by the Chinese.

Insp. Mellows said he had no further evidence to call.

Mr. Andrews made a statement to the Court in the course of which he said accused had been employed by the Standard Oil Company for eleven years. He received a salary of $200 gold per month; he had the privilege of using the launch. On the night in question he went to town on a little pleasure jaunt with his wife and returning they collided with a junk that was in the fairway without lights. There had been lots of these accidents and the accused was looking after the interest of his employers in having these junk people punished. It was nonsense to think that a man in his position would stoop to steal a bale of cotton valued at the paltry sum of $30 Mexican. The bale of cotton was put on the launch by the junk people themselves and he was waiting for the owners to come and claim it.

A. H. Tibbens, sworn, said he was employed by the Standard Oil Company. He had been employed about eleven years. On the night in question he had permission to take the launch. He went to Shanghai with his wife. They had a drive and returned to the launch about eleven o'clock. A strong tide was running and the launch kept close inshore with the helm hard a-starboard. They ran into a junk that had no lights. He went on board and asked for the owner as he was going to take him to the police. They said the master was ashore. They put a bale of cotton on the launch and witness took it to the wharf and put it in the godown. There was no secret about the matter. Everybody knew the cotton was in the godown. He was waiting for the owner to come forward. He intended to charge him.

By Inspector Mellows—I did not say I was a Customs officer. I did not tell your Sergeant that I was drunk and did not know how I came to do such a thing.

By His Honour—I had a few drinks, I was not full. I went to Sicawei. I went into the Institute and played a game of billiards. I had a few glasses of beer. My wife did not tell me not to meddle with the junk.

C. H. Blake, sworn, said he had known Tibbens about one and a half years. His reputation for truth and honesty was first class. He was a first class expert and did his work to the complete satisfaction of the company who had sent him here from India.

J. J. Woodruff, sworn, said he had known the accused for some time. He had always been honest and truthful in his dealings with witness.

Mr. Andrews then addressed the Court at some length.

His Honour said that there was not the least doubt but what accused was the man that took the cotton. He had certainly been very indiscreet and had acted in an over-zealous manner. The charge of larceny would be dismissed and the charge of impersonating an officer be substituted. The accused had acted with an excess of zeal. For thus acting he would be fined the value of the bale of cotton and costs. The fine would be $50 Mexican and costs. He would also be reprimanded for impersonating an officer. He also wished to say that the Court sympathised with Inspector Mellows who had fully carried out his duty in the matter and in his efforts to prevent a breach of the river laws. The Court would at all times endeavour to assist the police in the execution of their duty and render them what ever assistance that it could.

RECD JAN 31 '06 DEPT OF STATE

3rd ASST. SECRETARY. FEB 6 1906

No. 85.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, December 29th , 1905.

ASSISTANT SECRETARY. FEB 6 1906

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

CHIEF CLERK FEB 6 1906 DEPARTMENT OF STATE.

Ans by ltr to Senator Culberson July 6th 06

CONSULAR BUREAU FEB 7 1906 DEPARTMENT OF STATE

SUBJECT:

Adventurers and criminals in Shanghai.

ABSTRACT OF CONTENTS:

Reporting necessity for a criminal code under our extra-territorial judical procedure; the influx of adventurers at Shanghai; crimes and offenses of this class against Chinese and foreigners.

CONSULAR BUREAU FEB 14 1906 DEPARTMENT OF STATE

re the necessity for ~~legislation~~ changes in the present judicial system in China,

to the Committee on Foreign Relations of the Senate.

INDEX BUREAU FEB 19 1906 FILED

No. 85.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, December 29th , 1905.

THE HONORABLE Robert Bacon,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to state that, in any consideration that may be given to the matter of the establishment of a new judical process for the United States under our extra-territorial rights in China, the necessity for some revision of the laws relating to criminal prosecutions should not be forgotten. I have already suggested to the Department the advisability of applying some such criminal code as that of Alaska, and to support further my statement for the need of this reform I beg to call attention to the conditions of the present.

Shanghai apparently is becoming the favorite rendezvous of a class which, under the stress of circumstances, can easily overstep all bounds and become criminal. To the "beachcomber", so familiar to this coast, has been added those who, having gone to the Philippines on the chance of making a fortune or something akin to that, have drifted to Hong Kong and, finding conditions there undesirable, for their purposes, have finally landed in Shanghai. The Russia-Japan War attracted many adventurers to the China coast and to Japan, and these at the end of the war began to come to Shanghai. And still, in addition, each steamer from the American coast lands in Japan or in China a number of people of both sexes who have no money, prospects, and apparently no occupation. Of all these

there

there is a certain number who are able to live by their wits and so get along in some way; there are others who readily resort to sharp practices and finding the Chinese a more or less gullible people, immediately begin to impose upon them in a financial way. Of all places Shanghai is one of the hardest on the unemployed class. Everybody has to have money to live and, as a consequence, this undesirable American population when thrown upon its own resources speedily becomes involved in trouble, for even the Chinese will not submit to imposition and thievery very long. The natural result of these conditions is that if there was any adequate way to punish those who are deliberately swindling the Chinese and trying to do the same to all foreigners with whom they come in contact, there would not be a jail in Shanghai big enough to hold them. Under the recent British Order In Council there is full authority to deport, but such a desirable privilege does not exist under the American practice, and therefore those who are known to be in debt to the extent of thousands of dollars must be either allowed to go free and continue their depredations or on failure to satisfy a judgment can be arrested and be held on exactly the same principle to that which obtained while the debtors' prisons of England were in vogue.

Another condition is shown in the case of J. M. Pavitt, an American, who deliberately took seventeen thousand five hundred Mexican dollars belonging to a Russian officer and left for Japan, where, in the security afforded by the Japanese laws, he virtually acknowledged his guilt and practically asks what is going to be done about it.

Another case is that of E. B. Horwitz, about

whom

there is a certain number who are able to live by their
wits and to get along in some way; there are others who
really resent to sharp practices and finding the Chinese
a more or less gullible people, immediately begin to
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their depredations or to failure to satisfy a judgment can
be arrested and be held on exactly the same principle as
that which obtains while the debtor pursues his business
here in peace.

Another condition is shown in the case of
C. M. Smith, an American, who deliberately took advantage
of the unusual Chinese custom believing he could
threaten either and left for Japan, secure in the security
afforded by the foreign laws. He ultimately acknowledge
his guilt and promised early that he would go back and
adjust it.

Another case is that of E. Rowe, whose

whom I have written and telegraphed to the Department, and have received the reply that he can not be returned to China. These two instances, which show that an American committing a crime in Shanghai is perfectly safe after leaving China waters, illustrate well the conditions which oppress us in the way of punishment for grave offenses. Unless there is some amendment of the law which will permit the handling of cases like this, it will mean, for one thing, that the American name will be at a great discount in Chinese commercial centers, and, for another, that cities like Shanghai will become even more marked as a place for refuge of criminal adventurers and worthless people. The every day business of this Consulate General demonstrates the gravity of this condition. Claims against people of this class are filed by the dozens, and when no satisfactory recourse in the way of obtaining repayment of money and property wrongfully obtained can be afforded, the digust grows deeper and the criticism more bitter. It is rather hard to convey an adequate idea of the difficulties in this respect under which we labor and I doubt if there is anything approximating an understanding as to the character of some of the American population of Shanghai. To one who is trying in every way to upbuild our credit on the basis of citizenship and to secure respect not only for our interests but also for those who represent them, it is all very discouraging and in some ways alarming.

Everything that has been said here I think will be sustained most heartily by the American Association of China or by any individual American who is conducting an honest business in an honest way. I therefore earnestly and respectfully urge the consideration of these matters, and refer especially to the case of Horwitz as a sample illustrating the necessity for not only adequate laws

but

whom I have written and telegraphed to the Department, and have received the reply that he can not be returned to China. These two instances, which show that an American committing a crime in Shanghai is practically safe after leaving China waters, illustrate well the conditions which oppress us in the way of punishment for grave offenses. Unless there is some amendment of the law which will permit the handling of cases like this, it will mean, for one thing, that the American name will be at a great discount in Chinese commercial centers, and, for another, that cities like Shanghai will become even more marked as a place for refuge of criminal adventurers and worthless people. The every day business of this Consulate General demonstrates the gravity of this condition. Claims against people of this class are filed by the dozens, and when no satisfactory recourse in the way of obtaining repayment of money and property wrongfully obtained can be afforded, the cigaret throws despair and the criticism more bitter. It is rather hard to convey an adequate idea of the difficulties in this respect under which we labor and I doubt if there is anything approximating an understanding as to the character of some of the American population of Shanghai. To one who is trying in every way to uphold our credit on the basis of citizenship and to secure respect not only for our interests but also for those who represent them, it is all very discouraging and in some ways disastrous.

Everything that has been said here I think will be sustained most heartily by the American Association of China or by any intelligent American who is watching our private business in an honest way. I therefore earnestly and respectfully urge the consideration of these matters, and refer especially to the case of Norris as a means illustrating the necessity for and duty elevates laws

Dept. 788--4.

but also for some treaty provision which will enable the punishment of such offenders.

I have the honor to be,

Sir,

Your obedient servant,

Jas L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

RECD. JAN 31 1906 DEPT. OF STATE

3rd ASST. SECRETARY. FEB 6 1906

No. 86.

AMERICAN CONSULATE-GENERAL,

ASSISTANT SECRETARY. FEB 6 1906 Secretary

SHANGHAI, CHINA, December 30th , 1905.

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

CHIEF CLERK FEB 6 1906 DEPARTMENT OF STATE.

CONSULAR BUREAU FEB 7 1906 DEPARTMENT OF STATE

SUBJECT: Answered July 14/06

Mr. John Goodnow.

ABSTRACT OF CONTENTS:

Communicating information of appointment by Viceroy Chou Fu of Mr. Goodnow as foreign adviser in relation to Whangpoo Conservancy work.

re the appointment by Mr John Goodnow by the Viceroy of the Liang Kiang Provinces, as foreign adviser in the Whangpoo Conservancy work

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No. 86.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, December 30th , 1905.

THE HONORABLE Robert Bacon,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to advise you that Viceroy Chou Fu of the Liang Kiang Provinces, whose seat is Nanking, and in whose district the city of Shanghai lies, has appointed Mr. John Goodnow, ex-Consul General of the United States at Shanghai, foreign adviser as to the Whangpoo Conservancy work. To explain: The Whangpoo River upon which Shanghai is situated and which furnishes its water way to the sea, has by agreement with the Chinese Government been declared susceptible to great improvement in the way of dredging, changing of channel etc, so as to enable ships of large draft to reach Shanghai. The Chinese after about five years of consideration have finally undertaken to do all this work, and to pay for it, the sum of 480,000 taels to be set aside each year for twenty years. The foreign nations are to be represented in the work through a species of supervisory control exercised by the Consular Body at Shanghai. The Viceroy has already accepted the proposition of services made by Mr. de Rijke, a Dutch engineer who is really the father of the movement, and Mr. Goodnow, it is announced, will act on behalf of the Chinese Government. Whether such employment will carry with it additional duties such as general advice

as

Robert Lansing.

as to Chinese affairs in relation to foreigners is not known, but it seems certain that it will. There are many interesting conclusions to be drawn from this announcement, but for the present I content myself with that which precedes.

I have the honor to be, Sir,

Your obedient servant,

Jas. L. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.

Dept. 554--5.

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I have the honor to be, Sir,

Your obedient servant,

AMERICAN CONSUL GENERAL.

T.W.

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3rd ASST. SECRETARY. FEB 6 1906

No. 87

AMERICAN CONSULATE-GENERAL,

SHANGHAI? CHINA, Dec. 30th , 190 5.

ASSISTANT SECRETARY. FEB 8 1906

MR. James L. Rodgers,

TO THE DEPARTMENT OF STATE.

CHIEF CLERK FEB 8 1906 DEPARTMENT OF STATE.

1906 DEPARTMENT OF STATE

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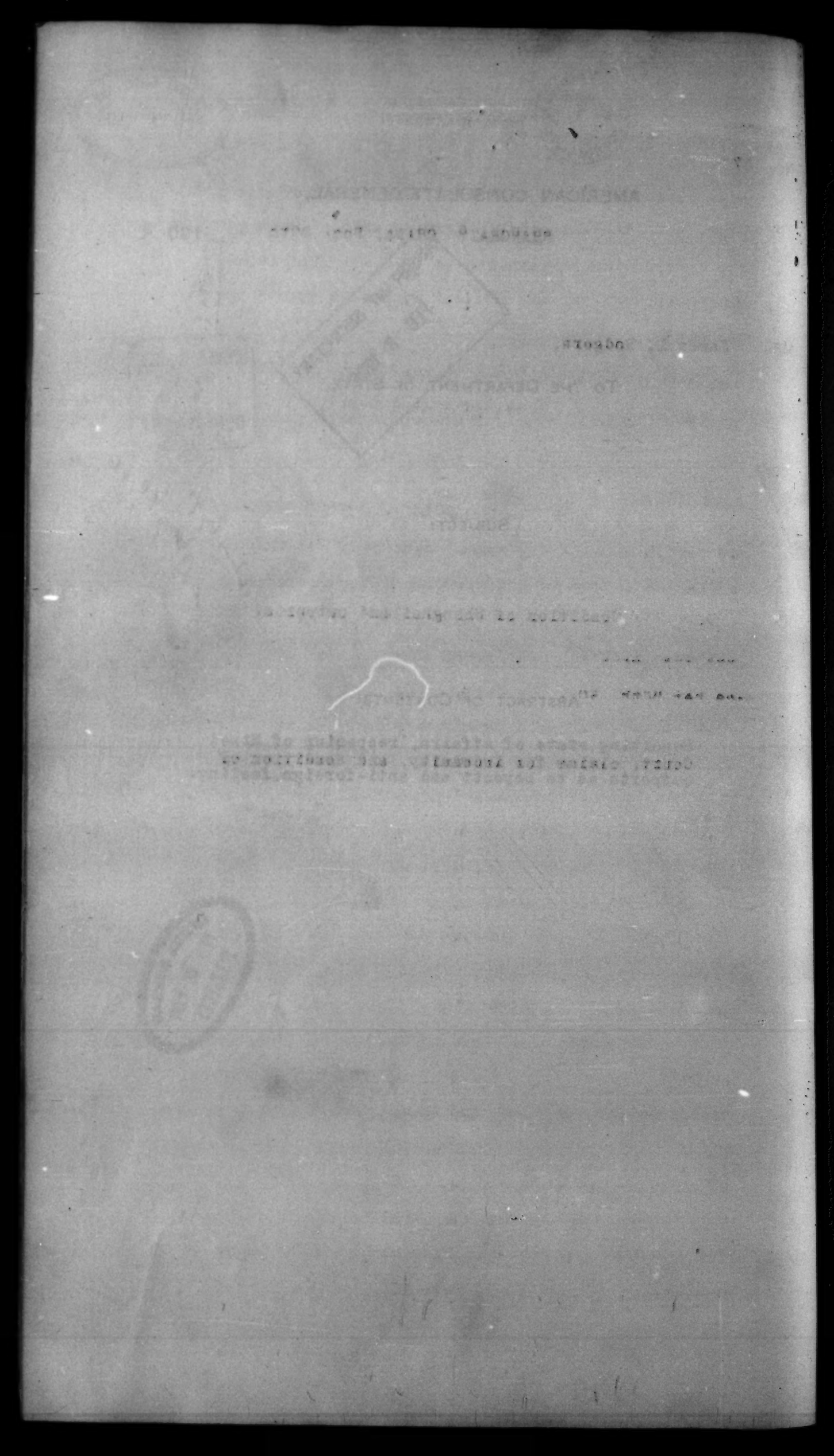
SUBJECT:

re the Condition of Shanghai and outports. since the recent riot

ABSTRACT OF CONTENTS:

Reporting state of affairs, reopening of Mixed Court, claims for indemnity, and condition of outports as to boycott and anti-foreign feeling.

INDEX BUREAU FEB 12 1906 FILED



No. 87.

AMERICAN CONSULATE-GENERAL,

SHANGHAI, CHINA, December 30th , 1905.

THE HONORABLE Robert Bacon,

THE ASSISTANT SECRETARY OF STATE,

WASHINGTON, D. C.

SIR:

I have the honor to report that Shanghai is now in an entirely normal condition and that no evidences of the recent riotous disturbances exist save in the presence of the Viceroy and his troops, and the international forces ashore. The latter will be withdrawn in a few days, although it is probable that the English will detain a detachment until the indemnity question is settled. It is certain however that the English Cruisers "Andromeda", "Astrea" and "Bonadventura" will remain in the harbor for some time. The payment of any indemnity for property destroyed will be resisted by the Chinese on the ground that since the riot occurred in the International Settlement, which is under foreign control, there can be no fault on the part of the Chinese for any trouble which occurred there. The claims for property destroyed will not be large, the Municipal Government being the greatest loser and that through the burning of the Louza police station. Individual claims from foreigners of all nationalities are being filed at their respective Consulates, from whence they will be transmitted to the Legations at Peking. The American loss was trivial consisting only of small robberies and damage to

premises.

premises. There is however one case of severe personal injury, that of a Mr. George W. Henley, who was badly bruised and cut. All of these claims I will refer to Peking upon receipt of instructions from the American Minister.

The Mixed Court has been open for a week and is running smoothly, it being understood that all differences as to rules etc are to be settled at Peking. The British Assessor resumed duty as did also the Chinese Magistrates with whom he had the trouble.

The condition of affairs as to boycott talk and any anti-foreignism aside from that caused by the riot, remains about the same. Nanking, Soochow and Hangchow report boycott meetings but no special action. The Viceroy has issued proclamations in Nanking and Soochow and has instructed officials that they will be held responsible for any disturbance or unfriendly action against foreigners and Americans especially. There has been no report of late of a violation of these orders.

I have the honor to be,

Sir,

Your obedient servant,

Jas. E. Rodgers

AMERICAN CONSUL GENERAL.

Y.W.